

HANDBOOK FOR LIBRARY TRUSTEES OF NEW YORK STATE

2023
Edition

by Jerry Nichols & Rebekkah Smith Aldrich

With the assistance of the
Public Library Systems Directors Organization of New York
Library Trustees Association of New York State
New York State Library
New York Library Association

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ACKNOWLEDGEMENTS

*This latest revision of the **Handbook for Library Trustees of New York State** is a testament to the integrity, professionalism, and commitment of the New York Library Community.*

A network of library professionals, directors, trustees and association leaders, along with our colleagues at the New York State Library, continuously strive to provide the best possible library service to the people of New York and inspire us to ensure there is clear, accurate and concise support for the 6,000 New Yorkers who serve their communities as library trustees each year.

We thank our collaborators from all corners of the state for sharing their knowledge and experience, and for relentlessly challenging us to improve this Handbook so that every library trustee may have the support they need to help New York's public libraries thrive.

For this 2023 edition an editorial board was convened to consult with the authors. These individuals spent countless hours providing feedback on drafts of the Handbook and we would like to acknowledge their contributions and to express our gratitude for their dedication and professionalism. Their efforts have improved this edition.

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Fellow Trustees:

Across New York State, library trustees have oversight of the many hundreds of millions of dollars that it takes to run the 757 public libraries in the state. This is an awesome and perhaps scary responsibility.

Your key role and responsibility as a library trustee is to work with your library director (and hire that great director!) to create the mission, develop and implement long and short-range plans to meet that mission, and to ensure adequate funding to carry out those plans. You also have other responsibilities including legal oversight of the library finances, ensuring up-to-date policies and procedures, maintaining a safe and appealing facility, and promoting the library. And all of this must be based on your community and its needs.

This new edition of the Handbook for Library Trustees will be one of the best resources you can have as you deal with these responsibilities. The Handbook has been a terrific resource for trustees and as laws, regulations and best practices have changed, having an up-to-date version will be even more useful. The Handbook has been the basis of a great series of online tutorials called the Trustee Handbook Book Club. You can access these at <https://midhudson.org/trusteebookclub/>

If it still seems overwhelming, recognize that you're not alone! Libraries are part of a statewide network that has a long and successful history in the state for providing excellent library service to everyone. Starting locally, your library

belongs to a public library system which not only provides services to the library such as delivery of materials and interlibrary loan but also offers continuing education and consulting help for trustees and staff. There are regional multi-type library systems linking all the various kinds of libraries in the state. At the state level, the Division of Library Development at the New York State Library provides oversight for all libraries. In addition, the New York Library Association (NYLA) is a professional organization for library staff and trustees. One of its major roles is advocacy for state aid and construction funds for public libraries particularly with the state legislature.

And there is a statewide organization for you as a library trustee. The Library Trustees Association Section (LTAS) has existed since 1949 and is now a part of NYLA with core activities of connecting trustees, educating trustees, and recognizing and celebrating the accomplishments of trustees. We have a regular newsletter, provide programs at the annual NYLA Conference, recognize exemplary trustee service through the Velma K. Award, and support any efforts to improve the knowledge and work of library trustees.

Public libraries are truly community centers. They still provide books and sometimes a quiet place but there are many other services: after school programs, Internet service, literacy and English language classes, digital literacy help, a safe place for people of all ages who are at risk for many reasons, a place of refuge in times of crisis such as fires or floods, access to job applications, loans of equipment and toys, seeds, food – and the list goes on. The more people, the more activity, the more noise, the better! Libraries see what their communities need and jump right in to work out how they can help provide it. Libraries are a major part of the social and cultural infrastructure of their community, just as important as the physical infrastructure.

Library trustees are now required to have a minimum of two hours training a year so the resources such as this Handbook, and training by systems, NYLA or LTAS, are vital to your understanding and implementing the important roles and responsibilities as a committed, trusted trustee.

LTAS is very pleased to support this latest edition of the Handbook for Library Trustees. Please keep it close and refer to it often. Thank you for your service as a library trustee. Take it seriously but also take time for you and your library to have fun!

Jean Currie, President, Board of Directors

Library Trustees Association Section of the New York Library Association (LTAS)
<https://www.nyla.org/ltas/>

PREFACE

Dear Library Trustee,

Congratulations! As a library trustee, you have taken on a crucial and rewarding role: governing the institution dedicated to protecting the public good through reading, learning, discourse, and belonging. You are sharing in the stewardship of your community's history and providing its residents with the tools they need to build an equitable and just future. You are dedicating your time and talents to ensuring that your library, and all that it does to protect the public good, will continue to endure in the face of any obstacle.

The work of a library trustee isn't always easy. During your tenure you will be called upon to make decisions that safeguard the long-term sustainability of your library's funding, protect the right to read, and ensure that every person in your community is being equitably served.

However, this work is always rewarding. Regardless of how complex these decisions may seem, know that, as an engaged community member who believes in the importance of your public library, you are the right person for this position. These core duties of a library trustee will guide your work:

- Duty of care to protect the library's resources;
- Duty of loyalty to the library's mission; and
- Duty of obedience to the relevant policies, regulations, and laws.

You can also rely on The Handbook for Library Trustees of New York State, an invaluable collection of best practices, tools, and resources, that provides an uncompromising vision of excellence for libraries and library boards in New York. Since its first edition in 1980, the Handbook has helped library trustees

thrive in their role, leading to the vibrant libraries our state and our communities take pride in.

The State Library thanks the authors and contributors, as well as countless committed library workers and trustees across the state, for their work in service of a strong future for New York's Libraries.

Sincerely,

Lauren Moore

Assistant Commissioner for Libraries and New York State Librarian

New York State Library

Office of Cultural Education

New York State Education Department

<https://www.nysl.nysed.gov/>

INTRODUCTION

Welcome to the 2023 revision of the *Handbook*. Most notable in this revision is our commitment to ensure updates to important laws and regulations, such as Open Meetings Law and the Trustee Education Requirement, are clear, as well as to highlight the important priorities of equity, diversity, and inclusion (EDI) and the new core value of sustainability through the lens of the role of library trustees. We have also taken care to clarify issues around financial planning, reserve funds, and fundraising and to ensure connections between this publication and the *Public Library District Toolkit: Strategies to Assure your Library's Legal and Financial Stability* resource (<https://nyslibrary.libguides.com/pldtoolkit>), available on the State Library's website. In addition to some minor edits, links are cited to several brand-new webinars that will help you do your job as a trustee. As always, we invite your continued questions and comments!

The purpose of this *Handbook* is to assist both new and experienced public library trustees in New York State to better understand their job and to present the basic information they need to provide quality library service to their community. It offers advice on the philosophy of governing a library and on the practical aspects of responsible trusteeship. The information provided is based on the laws and regulations governing public libraries in our state and on the proven “best practices” in the field. As always, you should consult with your regional public library system, the library's attorney, accountant, insurance agent and other professional advisors regarding specific matters within their area of expertise.

This is but an introduction to the many aspects of trusteeship and should be considered simply as one of the many resources necessary to do the job well. Be advised that it should not be considered as the final authority on any legal or financial aspects of library administration. Library Boards should consult with their

attorney or financial advisor on any legal or fiscal issue before them. Commentary on library law is based on actual law or established opinion by State agencies.

All trustees should be aware that the New York State Library provides information on a range of topics on their website and their Division of Library Development website deals specifically with public library issues: <https://www.nysl.nysed.gov/libdev/>

In addition to the State Library, the Library Trustees Association Section of the New York Library Association (LTAS) (<https://www.nyla.org/ltas/>) and the Mid-Hudson Library System (<http://midhudson.org/topics/trustees>) both provide excellent and continually evolving resources for trustee education.

Your regional public library system's website will also provide you with critical information that will help you do your job. You can locate your System at: <https://www.nysl.nysed.gov/libdev/libs/publibs/1pls.htm>

For the past several years the Public Library System Directors Organization of New York State (PULISDO) has partnered with the authors of this handbook to produce the Trustee Handbook Book Club webinar series. This series tackles many of the questions from the field, building on the foundational information found in this handbook. We encourage you to check out the archive of recorded webinars from this series found here: <https://midhudson.org/trusteebookclub/>

The effective trustee must be well versed in good governance practices that will enable them to meet the challenges presented by a rapidly changing political, social and cultural environment. Public libraries in our state are faced with an increasingly complex regulatory environment, contradictory laws and regulations, and new complications related to censorship attempts and the impact of new technology. At the same time, they have never been more vital to the well-being of our society. It is indeed an exciting time to be a library trustee.

Many individuals and organizations across New York State share the goal of improving and extending library service; but individual trustees, acting as part of a library board of trustees in partnership with the Library Director, ultimately bear the responsibility for achieving that goal. This manual is intended to provide an introduction to the practical and philosophical information that trustees will need to augment the common sense and good judgment they exercise in the course of their service.

THE LIBRARY NETWORK IN NEW YORK STATE

Libraries and library trustees in New York State (NYS) are supported by one of the most extensive and comprehensive library networks in the country. This network is what makes our libraries strong and resilient.

Each public library is chartered by the Board of Regents of the University of the State of New York, one part of the vast statewide educational system. The Regents' responsibilities include oversight of all educational and cultural institutions, including 757 public libraries, over \$1.35 billion in public library operating funds and over 6,000 public and association library trustees.

The Board of Regents appoints the Commissioner of Education, who is the chief executive officer of the State Education Department. Among the major offices of the Education Department is the Office of Cultural Education, which is comprised of the State Archives, State Library, State Museum and the Office of Educational Television and Public Broadcasting. The Assistant Commissioner for Libraries, also known as the State Librarian, is responsible for the activities of the New York State Library, which includes the Regent Joseph E. Bowman, Jr. Research Library, the Division of Library Development (DLD) and the NYS Talking Book and Braille Library (TBBL). DLD coordinates and administers federal and state aid programs as well as the rules and regulations that govern public libraries and library systems. DLD also helps to develop new statewide programs of library service and provides guidance on charter changes and other matters that must be referred to the Board of Regents.

Nearer to the local library, and its first source of assistance and resources, is the public library system. Nearly all of the public libraries in the state belong to one of the twenty-three public library systems. There are three types of public library systems: consolidated, federated and cooperative. Each has a different legal

structure and relationship with its members or, in the case of consolidated systems, its branches.

A comparison of the types of public library systems is available on the State Library's website: <https://www.nysl.nysed.gov/libdev/libs/libtypes.htm>.

Each public library system develops its own plan of service, reflecting the needs of the libraries in the area it serves. Local governance and control allow library systems to offer programs and services that can vary from one region to another. Nevertheless, all public library systems share the same common purpose and responsibility for the development and improvement of their member libraries while saving local tax dollars. As per Commissioner's Regulations, the public library systems are also responsible for working to provide library service in those areas without public libraries, coordinating resource sharing among member libraries, and ensuring that overuse of a chartered library by an unserved area is fairly addressed. This is approached regionally through each public library system's Plan of Service as adopted by its member libraries, the system's Board of Trustees, and the State Library.

Each system is also required to administer the Coordinated Outreach and Central Library Services Aid Programs. The Central Library Services Aid Program invests state funds regionally to acquire and make widely available library materials and information in multiple formats and to provide reference and information services to all residents of the public library system's service area.

Public library system services may include the following:

- Interlibrary loan and delivery of materials;
- Administration of computer networks and an integrated library automation platform (ILP), including circulation, online public catalogs (OPACs), acquisitions and other software modules;

- Cooperative purchase and support of electronic databases, Internet access and telecommunications services;
- Continuing education seminars, workshops and training for library staff, trustees, and library Friends Groups;
- Consultation on library administration, governance, funding, programs and services;
- Specialized support for Young Adult and Children's Services;
- Centralized purchasing, ordering and processing of library materials;
- Assistance in materials selection and collection development;
- Materials cataloging services and advice;
- Coordinated collection development support;
- Public awareness and advocacy leadership;
- Web page design and maintenance;
- Library service to correctional facilities, assisted living facilities, and other institutions;
- Outreach services to special populations and consultation on accessibility issues;
- Assistance in, and administration of, state and federal grant programs;
- Services to unchartered areas including contract library services, bookmobiles or other extension services to assure every New Yorker has access to library resources.

New York State also supports two other types of library systems that work with the public library systems to broaden the resources available to all residents of the state. Reference and research library resources systems (also known as regional library councils and collectively referred to as the Empire State Library Network (ESLN)) were established to enhance resource sharing and to meet specialized reference needs. The councils serve primarily as the systems for academic and special libraries, but their membership also includes public library systems, school library systems, hospital libraries, and specialized libraries of all types. The state is also served by forty school library systems, which are programs of Boards of

Cooperative Educational Services (BOCES) and Big Five City Schools. The school library systems provide support services, professional development, consultation, and assistance to both public and non-public school libraries. For more information: <https://www.nysl.nysed.gov/libdev/libs/index.html>

The statewide library network works to ensure access to library resources for all New Yorkers. All public library systems and the State Library offer an incredible range of research and learning databases and locally developed digital resources online. The network of the State Library, library systems and New York's local libraries offers access to books and information resources within the state and worldwide.

Library trustees also have several statewide and national associations available to help them fulfill their mission. Membership and active participation in these organizations not only provide assistance on the local level, but also add significantly to the collective strength and wisdom of library trustees throughout the State and the nation.

The New York Library Association (NYLA) is the statewide organization of library professionals, support staff and advocates. It is dedicated to advancing the interests of all types of libraries and library services in New York State. By representing the library community before the State Legislature, it provides important planning and support in the development of library-related legislation and offers extensive continuing education opportunities through its annual conference and other programs. Find NYLA online at <https://www.nyla.org/>

The Library Trustees Association Section of the New York Library Association (LTAS) is an important source of support and information for local libraries. LTAS is the state organization for library trustees, offering a range of valuable services. It advocates on behalf of library interests, recognizes the accomplishments of trustees and educates trustees through workshops.

Your library should have a budget line devoted to organizational memberships. Each library benefits from the advocacy and professional development work done by these groups.

Since many issues affecting libraries originate on the federal level, library trustees should be familiar with the American Library Association and its United for Libraries Division. Both organizations work diligently to inform and support libraries, their trustees, and their advocates on a national level.

Each public library is part of this national and statewide library community. An informed trustee is familiar with the members and components of this community and uses the information and opportunities available to improve the programs and services of their local library.

Resources:

- American Library Association (ALA) ALA.org
 - United for Libraries (a division of ALA) ALA.org/united

- New York Library Association (NYLA) NYLA.org
 - Library Trustees Association Section of the New York Library Association (LTA) LibraryTrustees.org

- Types of Library Systems: A Comparison [New York State Library] <http://www.nysl.nysed.gov/libdev/libs/libtypes.htm>
 - Find Your Public Library System <https://www.nysl.nysed.gov/libdev/libs/publibs/1pls.htm>
 - <https://www.nysl.nysed.gov/libdev/libs/brochurp.htm>
 - Empire State Library Network <https://www.esln.org/>

Webinar:

- Library Origin, Oversight and Organization in New York State (Helping All Trustees Succeed Mini-Webinar) <http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

LIBRARY LAWS AND REGULATIONS

Public and association libraries are classified as New York State Education Corporations and are therefore subject to a wide range of federal, state, and local laws, rules, and regulations. While trustees cannot be expected to understand all the details of every pertinent law, they should be familiar enough with the major legal issues to be assured that their library is always in compliance. Boards are strongly advised to solicit the assistance of their public library system and seek the advice of legal counsel well-versed in education and municipal law. It is important, however, for every trustee to understand the legal foundation of their library and the extent and limitations of the Board's authority.

Public libraries in New York State receive a Charter from the Board of Regents and are registered with the New York State Education Department. The Charter gives the library a corporate existence. The basic powers and duties of all Library Boards are defined in Education Law §226. This law provides fundamental rules of conduct for the Board and details important powers such as the right to hold and control property and hire staff. A library's Registration demonstrates compliance with minimum standards as defined by the Education Department Regulations Title 8 New York Codes, Rules and Regulations (NYCRR) §90.2 (Standards for Registration of a Public, Free Association and Tribal Libraries). A library must maintain its registration to receive local and state public funding and is asked to certify to the State Education Department each year that they are in compliance through the filing of the *Annual Report for Public and Association Libraries*.

Other pertinent New York State Education Laws and Regulations include:

Education Law:

- §216 - Charters and incorporation
- §226 - Powers of trustees of institutions
- §253 - Definition of a public library

- §254 - Standards of library service
- §255 - Establishment of a library
- §256 - Library service contracts (with unchartered areas)
- §259 - Library taxes and funding
- §260 - Powers of Trustees; School District Public Library authority
- §260-a - Meetings of Boards of Trustees (Open Meetings Law)
- §260-d - Trustee Continuing Education
- §272 - Library Systems
- §273 - Apportionment of State Aid

Commissioner's Regulations:

- §11.4 - Annual Reports
- §90.2 - Minimum Standards
- §90.3 - Public Library Systems
- §90.4 - Central Libraries
- §90.7 - Certification of Public Librarians
- §90.8 - Personnel
- §90.9 - Library Services Aid
- §90.12 - State Aid for Library Construction

All public and association libraries are subject to various parts of the Education Law, Labor Law, Public Officers Law and the Not-for-Profit Corporation Law, as well as numerous other New York State laws governing the conduct of corporations, both public and private; a compelling reason for the library to retain knowledgeable legal counsel.

Library boards should be aware of, and compliant with, the relatively new law in New York State related to sexual harassment prevention protocols. The Human Rights Law in New York requires all employers, regardless of the number of employees, to provide a workplace free from sexual harassment. All libraries must adopt mandated policy elements and an annual training schedule for staff and

trustees. For more information about these requirements please visit <https://www.ny.gov/programs/combating-sexual-harassment-workplace>.

Public libraries, those considered to be municipal, school district or special/consolidated legislative district libraries, are also subject to several additional laws, regulations and policies designed to protect the public interest. Most notable of these include:

- Civil Service Law (job titles; examinations; due process)
- General Municipal Law (bidding and procurement; conflicts of interest)
- Labor Law (hour and wage; safety; volunteers and interns; and “Wicks Law”)
- Public Officers Law (indemnification; Open Meetings Law; Oath of Office; and Freedom of Information (FOIL)
- New York State Comptroller’s Policies and Procedures (accounting standards; reserve funds; investments, etc.)

The New York State Library provides an up-to-date summary of excerpts from New York State Law and Regulations of the Commissioner of Education pertaining to libraries, at: <https://www.nysl.nysed.gov/libdev/excerpts/index.html>.

Please note: Whenever researching legal issues, be certain to search for the most recent opinions and decisions or consult with the library’s attorney, particularly when referencing opinions.

Legal Structure

There are four types of public libraries in New York State: association, municipal, school district, and special/consolidated legislative district. All are chartered by the Board of Regents. Trustees and community leaders are quite often confused about the legal structure of their community library and the laws that govern them. Since each of these library types has several variations, it is critical for all associated with the governance of the library to clearly understand their particular configuration. Your Library's charter documents will provide important information about your particular legal status. For a detailed comparison chart see the chart, *Public and Association Libraries: A Comparison*, in the Appendix.

Association libraries are Education Corporations under New York State law and subject to New York State Education Law yet are considered charitable organizations by the Internal Revenue Service (IRS). It either has a contract with a unit of local government to provide library service to the residents of that jurisdiction or has secured voter-directed funding for their service area to provide library services. In legal terms, this contract may be written, oral or implied; but it always exists. Though association libraries are education corporations, just as the other three types of public libraries, they are not subject to some of the laws and restrictions of true public libraries. However, like the other three types of public libraries, they are generally supported by public funds and must always keep transparency and accountability in mind as they make decisions. It is advisable for association libraries to follow laws, regulations, and best practices for public libraries. In addition to Education Law, such libraries are subject to some aspects of the New York State Not-for-Profit Corporation Law.

A **municipal library** is formed either by a vote of the governing body of a municipality (village, town, city, or county) or by a public referendum to serve the residents of the municipality. The library is an independent corporate entity and not dependent upon the municipal government. However, the Board is appointed

by the municipality, which is responsible for the appropriate funding of the library when voter-directed funding has not been pursued. The library is subject to all the laws applicable to public institutions in the state.

A **school district public library** is organized to serve the residents who live within the boundaries of a given school district. With few exceptions, the Library Board is elected by the district residents. The library and the Library Board are independent of the school district and the School Board. However, the school district is responsible for collecting taxes on behalf of the library and for the issuance of municipal bonds for construction on the library's behalf. The separation of powers between local boards of education and a school district library board is detailed in Education Law §260 (7)-(11). The library is subject to all the laws applicable to public institutions in the state.

A **special legislative district library or consolidated district library** is created by a special act of the State Legislature and a local public vote to serve all or part of one or more municipalities or districts as defined by its enabling legislation. Each of these libraries is somewhat unique but all are considered "public" insofar as adherence to state law. The library is subject to all the laws applicable to public institutions in the state.

The New York State Library's "Public Library District Toolkit: Strategies to Assure your Library's Legal and Financial Stability" provides an in-depth look at the four types of libraries and their funding and governance models. You can find it here: <https://nyslibrary.libguides.com/pldtoolkit>

Tax exempt status: Every association library should obtain federal tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (IRC). This exemption allows the library to avoid federal tax liability and to be eligible to receive tax-deductible gifts. A library that has such an exemption is required to file IRS Form

990 annually with the Internal Revenue Service: <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations>

Form 990 functions in place of a federal income tax return for the exempt organization, and there are large financial penalties for late filing or failure to file. Failure to file three years in a row will result in the revocation of the library's 501(c)(3) status. Federal law requires that the library's completed Form 990 must be on file at the library and available for public inspection upon request. In addition to the federal tax exemption, each library should also obtain a state sales tax exemption certificate (Form ST 119 and Form ST 119.1).

Public libraries (municipal, school district and special/consolidated legislative district) are, by definition, government entities under the IRC, and therefore inherently tax exempt and not classified as 501(c)(3) corporations. However, public libraries may receive confirmation of tax-exempt status from the Internal Revenue Service to use with grant makers and businesses: <https://www.irs.gov/government-entities/federal-state-local-governments/governmental-information-letter>

Transparency: As noted in the chapter on **Board Organization**, each library board is required by the Open Meetings Law and Education Law §260a to conduct its business in public with only a few very limited exceptions. All municipal, school district and special/consolidated legislative district libraries must also conform to the requirements of the Freedom of Information Law (FOIL) For more information visit the Committee on Open Government's website: <https://opengovernment.ny.gov/>

Although association libraries do not fall under the provisions of FOIL, they are wise to consider such a policy detailing their compliance with the provisions of FOIL (model rules for agencies can be found on the Committee on Open Government website: <https://opengovernment.ny.gov/freedom-information-law>) since they are supported by public funds and are often subject to public scrutiny. **Your community expects transparency.**

Every library board is also required to approve and file the *Annual Report for Public and Association Libraries* with the New York State Library detailing library activities, finances, and attestation of compliance with the state-established minimum standards. Failure to file such a report in a timely fashion can lead to the loss of registration which triggers the loss of eligibility to receive state and local funding; the removal of trustees by the Board of Regents; and ultimately the revocation of a library's Charter and the closure of the library.

The Board of Regents has the statutory authority and responsibility to establish minimum standards of service for libraries in New York State (Education Law 254). Through Education Department Regulations (8 NYCRR) §90.2, the Commissioner of Education has established minimum standards for public and association libraries.

All minimum standards must be addressed in the context of the library's long-range plan of service which should be based on community input.

All public and association libraries are required to have and to share online with their communities:

1. Written bylaws of the Board of Trustees; reviewed and re-approved at least every five years. **Also see standard 11.*
2. A community-based, board-approved, written long-range plan of service developed by the Board and staff. **Also see standard 11.*
3. A board-approved written annual report to the community on the library's progress in meeting its mission, goals and objectives. **Also see standard 11.*
4. Written policies for the operation of the library, reviewed at least every five years. **Also see standard 11.*

5. An annual, board-approved budget designed to address community needs as defined in the long-range plan. **Also see standard 11.*

In addition, each public and association library is also required to:

6. Periodically evaluate the effectiveness of the library's programs, services and collections.
7. Maintain hours of service according to a schedule based on population served:

| Population | Minimum Weekly Hours |
|-------------------|----------------------|
| Up to 500 | 12 |
| 500-2,499 | 20 |
| 2,500-4,999 | 25 |
| 5,000-14,999 | 35 |
| 15,000-24,999 | 40 |
| 25,000-99,999 | 55 |
| 100,000 and above | 60 |

Source: <https://nyslibrary.libguides.com/publiclibrarystandards/hours>

8. Maintain a facility which meets community needs, as outlined in the library's long-range plan; including adequate space, lighting, shelving, power and data infrastructure, and a public restroom.
9. Provide programming to address community needs.

10. Provide a circulation system that facilitates access to the local library collection and other library catalogs as well as providing equipment, technology, and internet connectivity to address community needs and facilitate access to information.
11. Provide access to current library information in print and online to facilitate the community's understanding of library services, operations and governance. *Information provided online shall include items 1-5.*
12. Employ a paid director with qualifications based on population served. The minimum education qualifications for library director as established in Commissioner's Regulation §90.8 are as follows:

| Chartered Population | Education Qualification |
|----------------------|--|
| 2,500 - 4,999 | Two years of college study |
| 5,000 - 7,499 | Bachelor's degree |
| 7,500 or more | Master's degree in Library Science (MLS) and NYS public librarian's professional certificate |

13. Provide library staff with annual technology training appropriate to their position, in order to address community needs.
14. Establish and maintain partnerships with educational, cultural or community organizations which will enable the library to address the community's needs, as outlined in the library's long-range plan of service.

A library in New York State must meet these Minimum Standards in order to be registered to receive public funds. The Library Board is ultimately responsible for ensuring these minimum standards are met. It should be noted that many of these

standards are based on a board's analysis of community needs. For advice on how to assess community needs please see the Planning & Evaluation Chapter.

A practical explanation of these standards is available at:

<https://nyslibrary.libguides.com/publiclibrarystandards/titlepage>

When new Decennial U.S. Census numbers are released, be sure to check if the minimum number of hours or the required education level for the director position at your library are impacted.

In addition, New York State General Municipal Law §30 requires each public library to file an annual report of financial transactions with the Office of the State Comptroller (OSC). After fiscal year 2023, this report is known as the Annual Financial Report (AFR).

Resources:

- Education Law and Rules of the Board of Regents Relating to Education Corporations [Office of Counsel, New York State Education Department] <https://www.counsel.nysed.gov/pamphlet9>
- Library Laws and Regulations in New York State [New York State Library] <https://www.nysl.nysed.gov/libdev/fundlaw2.htm>
- Laws and Regulations for New York Public Libraries [Nassau Library System] <https://librarylaw.nassaulibrary.org/>
- New Minimum Standards for New York's Public and Association Libraries [New York State Library] <https://www.nysl.nysed.gov/libdev/ministan.htm>
- Non-Profit Revitalization Act (2013) and NYS Libraries and Library Systems [New York State Library] <https://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>
- Committee on Open Government (Open Meetings Law & Freedom of Information Law) [Department of State, New York State] <https://opengovernment.ny.gov/>

- Public and Association Libraries – A Comparison, Appendix, Handbook for Library Trustees of New York State
- Public Library District Toolkit: Strategies to Assure your Library’s Legal and Financial Stability [New York State Library] <https://nyslibrary.libguides.com/pldtoolkit>
- Charitable Organizations [Internal Revenue Service (IRS)] <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations>
- Annual Update Document/Annual Financial Report (AFR) [Office of the State Comptroller, New York State] <https://www.osc.state.ny.us/local-government/required-reporting/annual-update-documentannual-financial-report-afr>

Webinar:

- Basic Library Law for Trustees [New York State Library] <https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Policies and Documents:

- Annual Report to the Community
- Annual Report to the State (DLD)
- Library Charter
- (if applicable) Enabling Legislation
- Long-Range/Strategic Plan
- Public Access to Records (FOIL) Policy

TRUSTEE DUTIES AND RESPONSIBILITIES

“Trustee/board members owe allegiance to the institution and must act in good faith with the best interest of the institution in mind. The conduct of a trustee/board member must, at all times, further the institution's goals...”

Statement on the Governance Role of a Trustee or Board Member, Board of Regents

A trustee is a person to whom property is legally committed in trust. A library trustee's commitment is to both the physical property and resources of the library and the services it provides. The Library Board has the authority and final responsibility to see that its library provides the best possible service to its community.

The Board of Regents, the institution responsible for the chartering and oversight of education corporations in New York, describes the duties of trustees as those of ***“Care, Loyalty and Obedience.”*** All actions must be taken with these principles in mind.

Duty of Care

A trustee or board member must act in good faith and exercise the degree of diligence, care and skill that an ordinary prudent individual would use under similar circumstances in a like position.

Duty of Loyalty/Conflicts of Interest

Trustees/board members owe allegiance to the institution and must act in good faith with the best interest of the organization in mind. The conduct of a trustee/board member must, at all times, further the institution's goals and not the member's personal or business interests...A trustee/board member should avoid even the appearance of impropriety.... Acts of self-dealing

constitute a breach of fiduciary responsibility that could result in personal liability and removal from the board.

Duty of Obedience

A trustee/board member has a responsibility to insure that the institution's resources are dedicated to the fulfillment of its mission. The member also has a duty to ensure that the institution complies with all applicable laws and does not engage in any unauthorized activities.

In addition, the Board of Regents charges Trustees to “*ensure that financial resources are being used efficiently and effectively toward meeting the institution's goals*”; and to “*hire a CEO to manage the operation of the institution and evaluate his/her overall performance.*”

(All excerpts from: *Statement on the Governance Role of a Trustee or Board Member*, Board of Regents, http://regents.nysed.gov/about/statement_governance)

The responsibilities of trustees are few in number but broad in scope. They are:

- Create and develop the mission of the library and be prepared to articulate it clearly and concisely;
- Regularly plan and evaluate the library's service program based on community needs;
- Select, hire and regularly evaluate a qualified library director;
- Secure adequate, sustainable funding for the library's service program;
- Exercise fiduciary responsibility for the use of public and private funds;
- Adopt and regularly review policies and rules regarding library governance and use and defend them when challenged;
- Maintain a facility that meets the library's and community's needs;
- Promote the library in the local community and in society in general; and

- Conduct the business of the library in an open and ethical manner in compliance with all applicable laws and regulations, the ALA Core Values, and with respect for the institution, staff and public.

Every trustee makes a personal commitment to contribute the time and energy to faithfully carry out these duties. Although the Board is legally responsible for all aspects of the library as an institution, it is unreasonable to expect a trustee or the whole Board to be an expert on every activity or concern that affects the library. Sometimes the most important thing a board can do is acknowledge that it does not have enough information and ask for help.

A trustee must make decisions based on the best information available. It is often wise to consult with your public library system staff and other professionals such as lawyers, accountants, architects, insurance agents, and other knowledgeable experts.

Under New York State law, Library Boards have broad and almost exclusive powers and authority to govern the library. The Board should not only be concerned with the internal operations of the organization but also alert to external, local, and global trends and changes that can affect the library's program of services. Being proactive and open to change is imperative to survive and thrive in a world in which change is the only constant.

Checklist for Effective Library Trustees:

- Ensure you are familiar with current library services and programs, including online resources.

- Review critical documents such as the library’s bylaws, budget, long-range and strategic plans, and policies.
- Understand the roles of all involved - the Board, director, staff, Friends of the Library, and patrons. In particular, understand and respect the role of the director as Chief Executive Officer (CEO) of the library and support the director’s administrative decisions.
- Be a team player and treat your fellow board members, library director, and staff with dignity. Contribute to a board and organizational culture that prioritizes inclusivity. Respect all opinions; whether you agree or not.
- Be active and informed about library matters in general and of those affecting your library. Ask questions of the director and study the issues.
- Attend all board meetings and be prepared to participate knowledgeably by reading board meeting materials in advance.
- Be familiar with the core values of libraries, found in the glossary in the appendix. These are compass settings to help boards with policy development and decision-making.
- Use the lens of sustainability, discussed further in the appendix, to make decisions that seek balance at the nexus of economic feasibility, environmental stewardship, and social equity.
- Question issues until you understand. Don’t be reluctant to vote “No” on a proposal you don’t understand or are uncomfortable about.

- Support board decisions even if you disagree. Democracy works by the rule of the majority. Seek reconsideration in the future if circumstances change.
- Conflicts of interest by any board member are the concern of all members of the board. A trustee or family member may not receive, *or appear to receive*, any gain, tangible or intangible, in dealing with the library.

Remember, as far as the public is concerned, even the appearance of a potential conflict involving a board member undermines their trust in the entire library as a valued and cherished community institution.

- Advocate for the library in every manner possible.
- Support competitive salaries and benefits, including an investment in continuing education, to attract and retain qualified staff. Appropriate compensation is a direct measure of the commitment and respect a community has for the institution and its staff.
- Ensure both the Library Director and Board are evaluated annually. This process has proven to be an effective means to improve intra-board communication and bring focus to the tasks at hand.

Lastly, it's about the library, not about you. Always remember that your primary job is to provide the highest quality library service possible for your community, not the cheapest.

Resources:

- Statement on the Governance Role of a Trustee or Board Member [Board of Regents, New York State Education Department]
http://www.regents.nysed.gov/about/statement_governance

- Right from the Start: Responsibilities of Directors of Not-For-Profit Corporations [New York State Attorney General] <https://ag.ny.gov/sites/default/files/publications/Right-From-the-Start.pdf>

Webinar:

- Duties & Responsibilities, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)]
<https://midhudson.org/trusteebookclub/>

ORIENTATION OF NEW TRUSTEES

A successful trustee has a thorough understanding of libraries and the laws that govern them. A formal orientation with the Library Director and the Board President is the best way to learn about your organization. This should include a discussion of the library's mission and goals, its role in the community and a review of the critical issues facing the organization. A good orientation will provide trustees with the information they need to carry out their responsibilities effectively and will generate a spirit of ongoing curiosity about the library and its role in the community.

Responsibility for planning and conducting the new trustee orientation is shared among the Board President, other board members and the Library Director. The specifics will vary depending on the style of the Board and the size and type of library. Regardless, it is essential to have a formal orientation for all new trustees as soon as possible after they are elected or appointed.

All new trustees should receive a tour of the library facility, an opportunity to meet key staff members, and an orientation to the library's website and online resources. It is considered best practice to provide every library trustee with a specific library email account to clearly distinguish library-related email correspondence from personal email. Remember, for libraries subject to the Freedom of Information Law (FOIL), emails related to library business may be subject to public scrutiny.

In the orientation process, the Library Director and Board President will provide information on:

- Mission, goals, long-range plans, and projects in progress;
- How the library is organized (e.g., type of library), governed, and funded;
- Financial statements of the organization;

- Responsibilities and expectations of trustees; including oaths of office, ethics, trustee education requirements, meeting attendance expectations, conflict of interest, and anti-nepotism policies;
- Funding sources, key stakeholders that influence funding for the library, and how the budget is created and managed;
- Demographic overview of the chartered service area;
- Ways the library serves the needs of the community and how it is linked to other organizations and resources;
- Recent accomplishments and challenges;
- Board relationships with the director, staff and volunteers; and
- Day-to-day operations.

As part of this orientation, the Library Director and Board President should work to help new trustees connect with the culture of the organization. Taking the time to highlight how the Board does its work through the lenses of transparency and accountability; equity, diversity, and inclusion – including a commitment to intellectual freedom; and environmental stewardship, can all help set the tone, so everyone is working from the same set of assumptions as you move forward together.

Every trustee should receive a thorough orientation and packet of essential documents to keep in a notebook or online file of library-related materials. It is wise to become familiar with these items before you fully participate in board decisions. Orientation materials should be reviewed annually to ensure they are up-to-date.

The following information is typically provided in print or through a trustee area of the library's website:

- Library origin documents including the Charter and bylaws;
- Board organizational documents including the schedule of board meeting dates, board roster that lists contact information and term limits; an archive

of board minutes (required by Open Meetings Law); a list of board committees, including their charge statement/objectives and a roster for each;

- A brief history of the library and a map of the library's service area;
- Library policy manuals including the employee handbook;
- Long-range/strategic plans and the board-approved facility plan;
- Financial information including the current operating budget (required to be posted as per minimum standards); recent monthly financial reports and statistics; and the most recent independent annual audit;
- Results of the most current community survey about the library;
- Information about the staff such as the resume or brief biography of the Library Director; staff contact list, organizational chart and, if applicable, the union contract;
- The most recent annual reports to the community (required to be posted as per minimum standards); newsletters; brochures;
- Information on the Friends of the Library (if applicable);
- An explanation of the library's public library system, including the services they provide to the library;
- Reference materials such as the *Handbook for Library Trustees of New York State*, the Board of Regents' *Statement on the Governance Role of a Trustee or Board Member*, and relevant legal references including information on Open Meetings Law;
- Upcoming continuing education and networking opportunities through the local public library system, State Library, LTAS and NYLA;
- List of local, county, state and federal legislators that represent the library's service area;
- Compliance calendar that indicates due dates of major reports and events for the organization;
- Subject Matter List, as it pertains to FOIL requests; and
- Most recent *Annual Report for Public and Association Libraries*.

All trustees should remain up to date with this information throughout their tenure on the Board.

Resources:*Webinars:*

- What Every Trustee Should Know [New York State Library]: <https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>

LIBRARY BOARD ORGANIZATION

Public libraries are required by the Regulations of the Commissioner of Education of New York State (Education Department Regulations [8 NYCRR] § 90.2) to operate under written bylaws. Bylaws are the legally binding rules your board uses to operate.

Bylaws may not conflict with federal or state law and regulations, nor the library's Charter. Such laws and regulations are the highest authority governing the library's affairs.

A board will probably find it appropriate to tailor its bylaws to local needs and situations. The bylaws should be reviewed regularly, updated at least every five years (as per minimum standards), and posted on the library's website. They should be amended when necessary to maintain flexibility and relevance but always conform to the library's Charter and, if applicable, enabling legislation.

For libraries with charters that cite a range for the number of trustees the bylaws must cite a specific number, within the range stated in the Charter. This is the number that the quorum calculation will be based on. This number should be reviewed annually to ensure it reflects practice.

Bylaws should include the following provisions:

- Name of organization, purpose, objectives and area served;
- Board terms and composition;
- Procedure for election, appointment and removal of trustees;
- Procedure for filling an unexpired term;
- Duties and powers of board officers;
- Schedule of meetings;

- Procedure for special meetings;
- Attendance requirements;
- Quorum and voting requirements;
- Summary of the Library Director's duties;
- Statement of compliance with New York State trustee education requirements;
- Standing and special committees;
- Order of business for board meetings;
- Parliamentary authority (such as Robert's Rules of Order);
- Procedure for amendment of the bylaws.

Oath of Office

Trustees and officers, including the Library Director, Library Treasurer and Library District Clerk, of municipal, school district, and special/consolidated legislative district public libraries, and trustees of cooperative and federated library systems are required to file the oath of office specified in the New York State Constitution:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of trustee of the _____ Library, according to the best of my ability."

The oath may be given by any officer of the court (judge, attorney, notary public), or the library's Board President or District Clerk, if they have taken an oath of office, and must be filed in the local County Clerk's office (or with the town clerk for municipal library trustees chartered to serve a town). For a trustee, Treasurer or District Clerk, failure to do so within 30 days of commencing their term of office will vacate the position. The oath must be taken if a sitting trustee starts a consecutive

term as well. For more information visit the New York State Library's website: <http://www.nysl.nysed.gov/libdev/trustees/oath.htm>

For libraries with a municipally-appointed or elected board, it is good practice for the Board to request a formal letter or certificate of appointment or election for each new Trustee from the body that made the appointment or conducted the election.

While association libraries are not required to file the oath with a County Clerk, the activity of taking the oath as part of the start of a term of office is good practice. Association Library Trustees are no less responsible for upholding the laws of the land and discharging their duties than public Library Trustees.

Library Directors & the Oath of Office:

While in the past Library Directors may not have generally taken the oath, the Commissioner of Education, in a decision related to a similar practice for School Superintendents stated: “...it is sound public policy to treat school superintendents as public officers with respect to oaths of office.” (Source: <http://www.counsel.nysed.gov/Decisions/volume39/d14185>) Given that libraries are part of the education infrastructure and fall under the auspices of the Commissioner of Education, we would consider it a “best practice” to do likewise for the Director as Chief Executive Officer of a public library. For library directors working under a contract, each time that contract is renewed or extended, a new oath should be filed within 30 days. Taking the oath is yet another example of how libraries can demonstrate a commitment to accountability and transparency.

Collective Authority

Governance authority and accountability lie with the Board as a whole. Under New York State law, a library board has broad authority to manage the affairs of the

library, but it is a collective authority. Individual trustees, regardless of their position on the Board, do not have the power to command the services of a library staff member, nor to speak or act on behalf of the library, unless they have been specifically granted that authority by a vote of the Board.

Committees must also respect the collective authority of the board. With very limited exceptions, discussed below in the Board Committees area of the chapter, committees act in a research and recommending role rather than acting on behalf of the board, and may not take action without explicit permission from the board as a whole.

An important corollary to this concept of collective authority is the need for the Board to speak with one voice once a decision has been made. Debate, discussion, and even disagreement over an issue are important parts of policy development and the decision-making process. However, every trustee has an ethical obligation to publicly support an adopted board decision.

The First Amendment protects the rights of a trustee who disagrees so strongly with a board decision that he or she must speak out publicly against it. However, in such instances, the individual must make it clear to all concerned that they do not represent the library and, indeed, may wish to seriously consider resigning from the board if such action interferes with their ability to effectively fulfill their responsibilities as a trustee.

Duties of Officers

The library's bylaws define the duties of the Board officers, typically the President, Vice-President, Secretary and Treasurer/Finance Officer. Such officers are elected annually by the Board at an annual reorganization meeting and serve for a period of one year.

The **President** ensures the Board acts consistently with board policies and presides at all meetings of the Board. This officer is responsible for the proper conduct and effectiveness of board meetings. In that capacity, the Board President must keep the meeting focused on the business at hand as determined by the agenda, maintain decorum, bring discussions to a close, refer an issue to a committee, or table issues until enough information is available to the Board for a well-considered decision.

In addition, the President, in the context of the library's bylaws, authorizes the call for any special meetings, appoints committee members, serves as an ex-officio member on all committees, executes documents requiring Board authorization, and generally performs all duties associated with that office. The President also serves as the primary liaison between the Board and the Library Director. In that capacity, the Board President should be in regular contact with the Library Director between meetings, work with the Library Director to ensure the entire Board is well informed of current issues facing the library and collaborate with the Library Director to create board meeting agendas.

The Board President is now responsible for ensuring that all trustees comply with continuing education requirements outlined in section 260-d of New York Education Law. For more information on trustee education requirements visit: <https://www.nysl.nysed.gov/libdev/trustees/education.htm>.

The **Vice President** works with the President to ensure that meetings and other board initiatives go smoothly. The Vice President is often called upon to chair ad hoc committees. This officer assumes the duties of the President in their absence. This partnership is a good best practice for succession planning.

The **Secretary** is responsible for ensuring an accurate and timely record of all meetings of the Board is created and that the issuance of the notice of all meetings

as per Open Meetings Law is carried out, as well as performing other duties associated with that office.

The office of **Treasurer** varies greatly, depending upon the library's legal structure. **School district public libraries and many special/consolidated district libraries** must appoint (hire) an independent Treasurer who is not a member of the Board. Under the provisions of Education Law §259(1)(a), this independent officer reports to the Board and is responsible for the receipt and disbursement of tax monies after Board approval.

Special/consolidated legislative district libraries should refer to their enabling legislation for clarification. In the case of school district public libraries, the School District Treasurer is required to act in this capacity unless the Board appoints its own Treasurer.

The Office of the State Comptroller has repeatedly opined that the doctrine of "incompatibility of office" applies to school district public, municipal and special/consolidated legislative district libraries (according to their enabling legislation). The appointment of a board member to the office of the Treasurer is considered such an incompatibility. In such cases, it is considered proper to appoint (hire) a paid Treasurer, independent of the Board, and appoint a trustee as the Board's "**Finance Officer**" to oversee the regular audit of claims, chair the Board budget committee, and otherwise serve in such a capacity. (Also see: *The Role of the Public Library Treasurer* in the Appendix)

Municipal libraries that exercise their right under Education Law §259(1)(a) to request their tax appropriations be paid over to the library are strongly advised to appoint an independent Treasurer. In the case of municipal libraries, where tax funds are held, and invoices are paid by the municipality, the Treasurer of the municipality serves in this capacity.

Many libraries, either by choice (school district public libraries) or legislation (special/consolidated district public libraries), appoint a **Library District Clerk**. The primary duty of the District Clerk is to oversee the annual trustee and budget vote. Many District Clerks also perform “secretarial” duties at Board meetings; taking minutes which they submit to the Board Secretary for review and submission to the Board.

This position is often filled by a library employee, such as an account clerk or senior account clerk, but is considered a separate appointment, answerable to the Board, with a stipend in addition to any other duties.

As an “officer of the corporation,” the District Clerk must take an Oath of Office.

Neither the Library Treasurer nor District Clerk are part of the competitive class of civil service but, as part-time library employees, must still comply with local civil service rules.

Association libraries are not governed by these restrictions and may appoint a trustee as Treasurer to oversee the receipt and disbursement of library funds, report to the Board and otherwise fulfill the duties of Treasurer. Volunteer Treasurers are expected to carry out these duties to the best of their abilities, as any reasonable citizen would expect, and to seek guidance and advice from professionals such as public library system staff and Certified Public Accountants.

Regardless of the particulars related to your type of library noted above, the role of the Treasurer/Finance Officer is to monitor the internal financial controls of the organization, ensure that all Board members are provided with transparent, understandable financial reports, and make themselves available to answer questions trustees may have about the library’s finances.

Board Committees

Committees play an important part in the library's governance structure by focusing on critical aspects of the organization and reporting their findings and recommendations to the Board as a whole.

By allowing a subset of the Board to research, analyze, and recommend action on important issues, the Board can ensure that it is giving the appropriate time and attention to all the meaningful topics it must consider and effectively manage its workload.

Generally, a board will establish standing committees in their bylaws, while allowing for the formation of ad hoc committees as the need arises. Committees meet outside of regular Board meetings.

Committees of public libraries must conform to Open Meetings Law, while committees of most Association libraries need not. (see the **Library Board Meetings** chapter for clarification.)

Committees serve only in an advisory capacity by making recommendations to the Board as a whole in a formal Board meeting. Committees exist to advise the Board on policy issues; not to oversee the management of the organization.

Typical library committees include:

Finance Committee: to oversee the library's fiscal well being and prepare the draft annual budget with the Director; as well as participate in the monthly claims audit process.

Personnel Committee: to review personnel policies, as needed; perform the initial annual evaluation of the Director (if this duty is not assigned to the

Executive Committee), consider any personnel issues brought to them by the Director, and manage the selection process of a new Library Director when necessary.

Buildings and Grounds Committee: to partner with the Library Director to ensure the good stewardship of the library's infrastructure, this could include an oversight role to ensure preventative maintenance measures are observed, and, when necessary, consulting on the renovation or expansion of the Library facility.

Policy Committee: to work with the Library Director and staff in an ongoing effort to keep the library's policies up to date through regular review and development and recommendation of new policies relevant to community needs when appropriate.

Strategic Planning Committee: to assume responsibility for ensuring the library's continued viability as an essential community institution by working with the Library Director, staff and the community to critically evaluate the Library's role in the community and recommend goals and objectives to continue the Library's mission.

Executive Committee: as provided in Education Law §226 (2); Boards with many members are permitted to appoint an Executive Committee to transact such business of the corporation as the entire Board has previously authorized. An Executive Committee must consist of a minimum of five trustees.

It is best practice to provide a written purpose with clear objectives for each committee to establish expectations and to establish how often each committee should meet. Chairs of committees should be appointed at the annual organizational meeting of the Board as per the process outlined in the library's bylaws, or in the absence of an outlined process, by the Board President

Recommendations from a committee should be made in a written report that is included in the board packet. Committee reports, whether written or verbal, should be a routine section of the Board meeting agenda.

Resources:

- Trustee Oaths of Office [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/oath.htm>
- Trustee Education Requirements [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/education.htm>

Webinars:

- Helping All Trustees Succeed (HATS) Series [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
 - The Role of the Board President
 - The Role of the Treasurer
- Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>

Related Policies and Documents:

- Bylaws
- Code of Ethics/Conduct
- Conflict of Interest Policy
- Removal of a Trustee

LIBRARY BOARD MEETINGS

All library board meetings fall under the provisions of Open Meetings Law.

Library board meetings are conducted under the rules set forth in the library's bylaws, which must comply with the library's Charter, state and federal law and regulation. For all trustees to be properly prepared for the meeting, a packet should be emailed to them or posted online *no less than one week* before the meeting date. The packet should include the meeting agenda, draft minutes of the previous meeting, financial reports, the Library Director's report, the schedule of bills to be paid, proposed personnel actions and committee reports. Background information on the issues before the Board should be distributed, as well as any other documents that pertain to the business of the meeting. All trustees are expected to come prepared to participate fully in meeting discussions and actions and to be familiar with the activities of the committees to which they are assigned. Using the talents and skills of every board member creates a more cooperative, congenial and productive board.

Please note: under Open Meetings Law, any document scheduled for discussion at a board meeting must be posted on the library's website at least 24 hours in advance of a board meeting.

Regular attendance at board meetings is essential. The Board President and/or the Library Director, which should be specified in the bylaws, should be notified in advance if attendance is not possible. A trustee who misses meetings frequently may not completely understand the issues at hand and valuable meeting time lost bringing that trustee back up to speed. An uninformed trustee also cannot make the best possible decision when it comes time to vote. Education Law §226(4) declares that *"If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have*

resigned..." It is a good idea to define in the bylaws what constitutes a satisfactory excuse for absence.

Far too often, Boards tolerate frequent absences by a Board member to the detriment of the Board and the library. A successful library Board needs every trustee at every meeting. A trustee who has difficulty regularly attending meetings may wish to seek other opportunities to help the library rather than serving on the Board.

Conduct of Meetings

Once you have read the Board packet, it is acceptable to reach out to the Board President, Library Director, Treasurer, or chair of a committee to ask a reasonable, clarifying question about something that will be discussed at the meeting. However, be careful not to have deliberative conversations via email or phone that may result in decisions being made outside of the open meeting setting.

Effective Board meetings focus on important and timely issues and limit extraneous digressions and discussion. The most effective boards concentrate their time and energy on a few issues that will have a major impact on the library's future. These issues should be tied to priorities from the long-range or strategic plan or time-sensitive issues identified by the director or a committee as a priority.

It is essential to provide supporting information critical to planned discussion topics and to build opportunities for all viewpoints to be heard at the meeting. Activities that can be completed by individual trustees outside the meeting, such as reading the minutes, should not take up valuable time at a board meeting.

It is the Board President's duty to ensure that the Board works as an effective corporate unit by managing the meeting professionally. Board meetings generally should be completed within two hours. If meetings consistently last longer, issues

can be referred to committees, to the Library Director for further study, or tabled for action at subsequent board meetings. Establish an ending time for the meeting and stick to it. Beginning on time and keeping the discussion focused on the agenda topics are key to effective meetings.

Quorum

Education Law §226(1) states that a *“majority of the whole number [of trustees, regardless of vacancies] shall be a quorum.”* A quorum is necessary to convene a meeting and to take action as a board. Voting by email does not meet the requirements of Open Meetings Law and therefore no votes taken via email are legal. Attendance and voting by phone also do not meet the requirements of Open Meetings Law. Attendance and voting through online meeting software, referred to as “videoconferencing” in the law, requires careful adherence to the particulars of Open Meetings Law. There are two types of attendance via videoconference by individual trustees described by Open Meetings Law:

1. Participation at a physical location that is open to in-person attendance by the public: In this instance, the location must be part of the public notice of the meeting issued to the news media and through the library’s website. Any member of the public may choose to attend the meeting from that location. In this case, the individual trustee’s participation may count towards quorum.
2. Participation at a physical location that is not open to the public: In this instance, a board would need to have previously passed a policy, after a public hearing, that allows for an individual trustee to attend a meeting via videoconference when “extraordinary circumstances” occurred. “Extraordinary circumstances” are defined in a non-exhaustive list by the Committee on Open Government which should be cited in the library’s policy. In this circumstance, if there is a quorum at a physical location open

to the public, the Board may proceed, a trustee participating via videoconference in a location that is not open to in-person physical attendance by the public may not be counted toward a quorum (but may participate and vote if there is a quorum of members at a physical location open to the public.)

Boards are not required to allow remote participation. It should also be noted that the current provisions to allow limited videoconferencing may expire shortly. Trustees should stay up to date with notices from the Committee on Open Government: <https://opengovernment.ny.gov/>

If your board does allow for video conferencing via the process described above, please note that trustees must have their webcam turned on during meetings.

Proxy voting does not meet the requirements of the law.

All of the above applies to all public and association libraries, as well as library systems.

Voting

Under New York State General Construction Law §41, no action can be approved by the Board of a *public* library without a “majority of the whole.” For example, should your Board be chartered to consist of seven members, an affirmative vote of four is always required for a motion to pass, regardless of the number of trustees in attendance. Tie votes defeat the motion.

Association library boards, though not technically “public,” are strongly encouraged to follow the same procedure when establishing the number of votes necessary to approve a motion. This procedure is a hallmark of a transparent and accountable board, and this should be reflected in the library’s bylaws.

If your Charter allows for a range in the number of required trustee seats, the exact number of trustees should be stated in your bylaws and should only be changed in accordance with the bylaw amendment procedures, while still respecting the range specified in the Charter. This will then serve as the number the Board uses to calculate a quorum and a majority. It is recommended that your Charter and bylaws state an uneven number of trustees to avoid tie situations. In the event of a tied vote, the motion fails as it did not receive a majority vote.

Posting of Documents

Open Meetings Law requires that any document that will be the subject of discussion at a board meeting be made available via the library's website at least twenty-four hours before the meeting at which it will be discussed. The law also requires that a draft of the minutes of the board meeting be posted within two weeks of the meeting and a draft of minutes from an executive session be posted within one week from the date of the executive session.

Open Meetings and Executive Sessions

All public and association libraries in New York are subject to Open Meetings Law (see Education Law §260-a; and Public Officers Law, Article 7). This law requires that board meetings must be properly posted and advertised and open to the public. Notice of all board meetings must be sent to the news media, noted on the library's website and posted in a public place such as the library bulletin board. In addition, working sessions of the Board (even if they are not formal meetings) must be advertised and open if a quorum of the Board is expected to attend. Educational sessions in which the board does not conduct business are exempt from Open Meetings Law.

For "public" library boards (municipal, school district public and special/consolidated legislative district libraries), the requirements of Open

Meetings Law also apply to all committees and sub-committees of the Board. In the opinion of the Committee on Open Government, if two or more trustees are members of such committees; *even if they number less than a quorum of the entire board*, Open Meetings Law applies. Note that board committees of association libraries outside of New York City are not subject to the committee provisions since they are not considered “public bodies” under the law. (Public Officers Law, Article 7; Education Law §260-a)

Executive sessions are a portion of the open meeting from which the public and the news media may be excluded. They may only be convened for a limited number of specific purposes. Those which usually apply to libraries are:

- Discussions regarding proposed, pending or current litigation;
- Collective bargaining negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

An executive session is convened only as part of a public board meeting, not as a separate meeting. The Board must vote to enter executive session and specifically state the topic of conversation for the session for its minutes.

The board may invite advisors into an executive session with them, such as the Library Director, public library system consultant or the library's lawyer. The Library Director should almost always be invited into an executive session unless the Board is discussing a personnel matter related to that person.

The Board is permitted to take formal action and vote on any matter in the executive session except for the appropriation of public monies. However, such actions must be detailed in minutes of the executive session.

It is usually advisable to adjourn from the executive session and return to the regular meeting to vote on any formal action or approve specific resolutions.

Using executive sessions to discuss matters not defined within the law, even if the topic is “uncomfortable” to discuss publicly, **is illegal.**

Insofar as Board communication between meetings, the Committee on Open Government opines: *“there is nothing in the Open Meetings Law that would preclude members of a public body from conferring individually, by telephone, via mail or email. However, a series of communications between individual members or telephone calls among the members which results in a collective decision, a meeting or vote held by means of a telephone conference, by mail or email would in (our) opinion be inconsistent with law.”*

Minutes

Minutes of all board meetings are required by the Open Meetings Law. They, along with financial statements and other official records outlined in the library’s record retention policy, should be kept in a secure but accessible place and available to the public upon request. **Posting the minutes on the library’s website is required by law.**

Minutes of a regular session of the Board must consist of *“a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon.”* If a vote was not unanimous, the minutes must reflect how each Board member voted on an action. (Public Officers Law §87 [3] [a])

Although it is not required, most minutes also include a summary of discussions relating to the issues covered. However, they should not be a transcript of the discussions. Draft minutes must be uploaded to the library's website within two weeks of the meeting, unless the Board has held a special meeting within that time frame where the minutes were approved, then the approved minutes would be posted. Either way, minutes of meeting must be posted online within two weeks.

Minutes of executive sessions are required only if the Board takes formal action in the executive session. If no vote or other action is taken, no minutes are required. Otherwise, the minutes of an executive session must provide only "*a record or summary of the final determination*" or action the Board took in the session.

Draft minutes of an executive session must also be available on the library's website but within one week of the meeting. Approved minutes must be kept on file in perpetuity. For further information on Open Meetings Law and the Opinions of the Committee on Open Government please visit: <https://opengovernment.ny.gov/open-meetings-law>

Agenda

A consistent, business-like agenda is essential for the efficient conduct of library business. The agenda serves as the blueprint for the meeting and should be followed closely. To avoid surprise issues, the agenda should be developed by the Library Director, reviewed with the Board President and sent out to the Board no less than one week before the meeting with all pertinent materials. Some Boards specify the basic outline of the meeting agenda in their bylaws. If that is the case at your library, this outline must be followed. Changes to the agenda may be adopted at the beginning of the meeting by a vote of the Board. When a discussion deviates from the adopted agenda it is the Board President's duty to bring the Board back on topic or table such discussion until the next meeting in a timely manner. It should be a rare occurrence, with clear justification, that the Board discusses items not on the agenda at a board meeting.

Below is a typical agenda that may serve as a template.

Sample Agenda

- i. Call to order and roll call of members
- ii. Adoption of agenda
- iii. Approval of prior meeting minutes
- iv. Correspondence
- v. Personnel Actions Report
- vi. Treasurer/Finance Officer's Report
 - a. Report of receipts and disbursements
 - b. Warrants
 - c. Presentation of projected cash flow
- vii. Library Director and Department Head Reports
- viii. Board Committee Reports
- ix. Report from Board Liaison to the Friends Group
- x. Old Business
- xi. New Business
- xii. Period for Public Comment
- xiii. Other Business
 - a. *(example: Executive Session re: Library Director's Annual Performance Evaluation)*
- xiv. Dates of future board meetings
- xv. Adjournment

Fiduciary Responsibility

"To act for someone else's benefit with special responsibilities for the administration, investment of assets that belong to someone else."

-Not-for-Profit Corporation Law, New York State

Among the responsibilities given to trustees is the oversight of the library's finances. A Board's role is to put controls in place. These include a board-approved budget, internal financial controls and third-party oversight of financial operations through a routine pattern of reviews and audits by an independent Certified Public Accountant (CPA).

All expenses must be approved by the Board at an open meeting. (Education Law §259(1)(a)). (Please note that the Board may set a policy to pre-authorize the payment of some recurring expenses, such as salaries and utility bills. These recurring expenses must be formally ratified at the next meeting through the established warrant review process.) In addition to approval of the warrants, the Board should receive, review and understand up-to-date reports on the financial status of the organization in relation to the adopted budget such as a report on receipts and disbursements and the bank account reconciliations. This is not to imply that the Board should micromanage every expense. It is their responsibility to ensure that proper checks and balances are in place so that the library can operate efficiently, yet with appropriate due diligence on the part of the Board. (See **Budget and Finance** Chapter)

Personnel

According to Education Law §226 (7) all personnel appointments and salaries must be approved by the Board at an open meeting. This does not suggest that the Board selects staff other than the director. It does mean that the Board creates all

positions, establishes salaries and formally appoints the staff on the recommendation of the director. (See **Personnel** Chapter)

Staff Reports

Effective board meetings include reports from the Library Director and other critical personnel, such as Department Heads or staff reports on new service initiatives.

The Library Director's Report typically includes:

- Significant changes in day-to-day operations, the facility, website or budget;
- Financial matters that may come up later for a board vote;
- Update on internal projects (i.e., weeding, technology upgrades, website redesign), particularly in relation to the library's long-range and strategic plans;
- Updates on relevant partnerships (i.e., programs with the School District, Municipality, or other educational, cultural or community organizations);
- Relevant statistics with context and comparisons;
- Summary of System and Directors' Association meetings;
- System and State advocacy efforts on behalf of library funding;
- Information about upcoming programs, new services or an unexpected service that people may not know much about;
- Updates on progress related to goals within the board approved long-range plan.

Boards often focus on one department or service each month, with a report and/or presentation from selected staff. This keeps trustees up to date on all aspects of the library and allows for a meaningful and appropriate interchange between trustees and library staff.

Public Comment/Participation

Board meetings are for the conduct of library business. They are not public hearings about library affairs. Open Meetings Law makes no provision for public participation; however, it is wise to set aside a period for “public comment” in the agenda. In the interest of time and effectively conducting the business of the Board, a policy regarding participation by the public in their meetings should be adopted. Individual public comment may be limited but such rules must be consistent. All members of the public attending a board meeting, regardless of residency, may speak. However, you may ask if a member of the public is a resident of the chartered service area of the library.

Resources:

- Open Meetings Law [Committee on Open Government]
<https://opengovernment.ny.gov/open-meetings-law>
- Conducting Public Meetings and Public Hearings [Division of Local Government Services, New York State] https://dos.ny.gov/system/files/documents/2023/01/conducting-public-meetings-and-hearings_1.pdf

Webinars:

- Open Meetings Law, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>
- What Every Trustee Should Know [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Policies and Documents:

- Bylaws
- Audit/Review Schedule
- Claims Audit Process
- Meeting Procedures (including Public Comment Procedures)

RISK MANAGEMENT

The public library is exposed to a wide variety of risks in the course of conducting its business. These include natural disasters such as fires and storms, patron accidents of various kinds, negligence, willful misconduct, cybersecurity breaches, active shooter events and other criminal activity. Risks can also include economic downturns, civic unrest, technological disruption, and public health crises. It is the Board's responsibility to reduce risk to a manageable level so that the service program or even the survival of the library is not threatened. A poorly managed incident, lawsuit, personnel action, or judgment against the library can have consequences far beyond the immediate impact of the event.

Trustees should keep an eye on trends impacting other libraries in the region, state, and nation to ensure policies and procedures are in place to protect your library. For example, record-setting censorship attempts, First Amendment Audits, and other social movements were all spotted in other parts of the country before reaching New York. These types of issues, if mishandled, expose the institution to legal action, unanticipated costs, as well as poor public perception.

The impact of climate change on our communities cannot be understated. More severe and frequent storms, increasing heat waves, rising sea levels, and the threat of wildfires are all very real concerns for New Yorkers. Adaptation of library facilities, policies, insurance coverage, staff training and public services all need to take this into consideration today for the future of the library.

Library boards and trustees can be held liable for infractions of laws and regulations by the library, although considerable immunity is granted if the Board is acting in good faith in carrying out its responsibilities. New York State Not-for-Profit Corporation Law (§720-a) and Public Officers Law (§18) afford individual trustees some degree of immunity from liability, but that does not prevent library boards

and individual trustees from being sued for any reason, or seemingly for no reason at all.

The best way to reduce risk is to be sure that the library is operating in a safe, legal manner according to carefully written policies and thoughtfully implemented procedures. It is always better to protect against or prevent harm than to rely on insurance to pay for a loss. (See **Policies** Chapter)

Boards should also engage in scenario planning that enhances a library's Emergency Action Plan, Continuity of Operations Plan (COOP), Health Emergency Plan, and general disaster preparedness. While you will not be able to anticipate every possibility, there are many common scenarios that you can prepare for in advance.

Risk management is an ongoing process of identifying, assessing, and responding to potential risks. It has several key components. The most obvious is insurance. The library must carry property and general liability insurance appropriate to the size and scope of its operations. Errors and omissions insurance, also known as directors and officers (D&O) liability insurance, insures the library and the Board against real or perceived errors of judgment. Such insurance will usually cover legal costs and judgments against the library. Workers' compensation insurance is required by law. Cybersecurity insurance should be considered mandatory in light of ransomware attacks on a number of libraries in the state. Other coverage, such as flood insurance, may be appropriate in some situations. The library's entire insurance package should be reviewed thoroughly and regularly for cost, comprehensiveness, and adequacy of coverage.

Careful record keeping, inventory management and valuation are important in the event of a loss. In addition to the traditional inventory list, a video of the library and its contents can be useful, especially if the library houses artwork or other items

whose value might be questioned. Inventories are also required to comply with generally accepted accounting procedures for public entities.

Another critical component of risk management involves attention to personal safety, physical facilities, and loss prevention strategies. Does the library have a viable security system and a fire suppression system? Has the heating and air conditioning system been inspected and properly maintained? Is the building maintained free of safety hazards? Is the staff familiar with emergency procedures? Are practice drills held? Are security procedures in place? Is there a business continuity plan for valuable papers, critical materials, and data?

Remember that risk management is a continuous process involving the Library Board, administration, staff, and insurance professionals.

Resources:

- Disaster Preparedness and Recovery [American Library Association] <https://www.ala.org/advocacy/disaster-preparedness>
- Librarians' Disaster Planning and Community Resiliency Guidebook and Workbook [New Jersey State Library] https://www.njstatelib.org/services_for_libraries/resources/disaster_planning/
- Disaster Preparedness Toolkit [Iowa State Library] <https://www.statelibraryofiowa.gov/index.php/libraries/toolkits-guides/disaster-preparedness-toolkit>
- Plan Ahead for Disasters [Ready.gov] <https://www.ready.gov/>
- Individual and Community Preparedness Activities [Federal Emergency Management Agency (FEMA)] <https://www.fema.gov/emergency-managers/individuals-communities/what-would-you-do-scenarios>

- Citizens Preparedness Corps Training [Division of Homeland Security and Emergency Services, New York State] https://www.dhSES.ny.gov/citizen-preparedness-corps?utm_medium=301&utm_source=prepare.ny.gov
- Cybersecurity & Infrastructure Security Agency (CISA)
 - ShieldsUp <https://www.cisa.gov/shields-up>
 - Stop Ransomware <https://www.cisa.gov/stopransomware>
- Sustainable Libraries Initiative <https://sustainablelibrariesinitiative.org/>

Related Policies and Documents:

- Airborne Infections Disease Exposure Prevention Plan / Pandemic Response Plan
- Continuity of Operations Plan
- Emergency Action Plan (*includes disaster recovery and active shooter procedures*)
- Disaster Preparedness Plan
- Incident Action Plan
- Incident Report Form
- Inclement Weather/Closing Procedure
- Patron Behavior/Code of Conduct
- Patron Complaints
- Records Retention
- Sustainability
- Unattended Children
- Vulnerable Adults
- Workplace Safety/Violence Prevention

LIBRARY POLICIES

Policymaking is one of the most difficult responsibilities of a trustee's job, requiring an open mind, a thoughtful study of the issues involved and a deep understanding of the library's mission and of the community it serves. In addition, clearly reasoned and written, up-to-date policies help the library fulfill its mission. Policies can also provide the library with critical legal protection.

Policies are the rules and principles that guide the operation and use of the library. They are required by Education Department Regulations (8 NYCRR) §90.2 as part of the public library minimum standards and must be reviewed at least every five years and available for public inspection both in print and on the library's website. The Board is ultimately responsible for creating such policies, reviewing and revising them, and enforcing them with the assistance of the Library Director and staff. Policies must be clearly written and understandable. In practical terms, it is best practice for the Board to establish a Policy Committee and for the Library Director to bring established policies for review as well as any new policy recommendations to the Committee for review on a regular basis. This practice will allow the Board to keep up with new challenges or simply refresh the Board's understanding of existing policies.

All policies should include a process by which the Board can respond to public comments or complaints. Policies are the board-approved rules of the library, whereas procedures are the administrative functions established by the director and staff which describe how things are done.

It is a good idea to categorize the library's policies into internal (such as personnel, operational continuity, financial controls, etc.) and external (dealing with the public). These areas can be further broken down to suit your library's particular organizational structure. There are many good resources for policy development,

especially your public library system. Check the *Resources* section at the end of this chapter for sources of sample policies and policy development tips.

Typically, library boards have written policy statements in many of the areas you see notated at the end of each chapter in this publication. The full checklist is included in the Appendices.

All policies should be able to stand alone and be dated for the original adoption and review and/or revision dates. They should be recorded, compiled, and organized for ready access in a policy manual that is available both in print and, as mandated by state regulations, through the library website. Every trustee should have a copy of the policy manual and must be familiar with its contents. Careful attention should be paid to ensuring policy manuals are up to date.

A thorough understanding of the library's policies is the foundation from which to adopt new policies, revise old ones, and interpret or defend the library's rules. Archival records of superseded policies should be kept as part of a public library's Records Retention Policy as per Local Government Schedule: LGS-1.

Personnel policies are critical to any successful operation and must be consistent, current and in conformance with applicable state and federal law. Each library staff member should receive a copy of the personnel policies at the time of employment. A written acknowledgement of receipt is important. Posting and updating personnel and other internal policies and procedures on a staff intranet is a common best practice. Personnel can be one of the most litigious areas of a library's policy collection. Personnel policies of the library should be reviewed by legal counsel. If amended or revised, staff should once again be provided with the personnel policies and once again be asked to provide written acknowledgement of receipt.

Policy Development

Policy development and policy revision often involve major decisions and considerable philosophical reflection. Boards must allow adequate time to discuss and assess policy options and ramifications. While trustees alone have the legal authority to make policy, the process works best when the library director and other key staff are closely involved. The staff has an important role in researching options, drafting recommendations, and presenting them to the Board for discussion and approval.

When establishing a new policy, the Board should seek sufficient information from the Library Director to discuss the issue with confidence. This should include:

- A description of the issue that requires policy consideration;
- A statement describing how a policy would contribute to the accomplishment of the library's goals and objectives;
- A list of existing policies related to or affected by the proposed policy;
- A list of the policy options available, with appropriate analysis (including effects of enforcing the policy, legal ramifications, and costs to resources, facilities, and staff); and
- A recommendation, accompanied by the justification for changes in any existing policies.

When any existing policy is under evaluation, the Board should ask if it is:

- In compliance with all laws and regulations;
- Consistent with the library's Charter, mission, goals, and plans;
- Consistent with the Library Bill of Rights and the Freedom to Read Statement;
- Complete, clearly written, and easily understandable;
- In the best interest of the community *at large*, devoid of politics, prejudice, or favoritism;

- Easily enforceable without undue burden on the library staff; and
- Designed to maximize library services and access for the greatest number of users.

All policies must have the original date of the Board’s approval and the dates of any revisions noted in the document. Regular review and revision are essential and required under Education Department Regulations (8 NYCRR) §90.2. Copies of the policy manual must also be housed in the library and be easily accessible by the staff and the public. Posting public-facing (listed as “external” in the appendix) policies on the library’s website is now required under Education Department Regulations (8 NYCRR) §90.2.

The Library Director is responsible for instructing the staff about the policies that affect their employment and work and assuring that they fully understand these policies. Staff members are on the front lines when a policy question arises, and it is essential that they are able to explain all policies to the public in a clear and effective manner and to apply them consistently.

Policies should be considered living documents that are created and amended as circumstances, laws, and regulations change.

Resources:

- Library Policy Development [American Library Association]
<https://libguides.ala.org/librarypolicy>
- Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage [American Library Association]
<https://www.ala.org/advocacy/intfreedom/guidelinesdevelopment>
- Public Library Policies - Development Tips & Samples [Mid-Hudson Library System]
<http://midhudson.org/topics/director-resources/policies/>

- Public Library Collection Policy Template and Guide [Public Library System Directors Organization and the Empire State Library Network]
https://www.wnylrc.org/uploads/documents/ask_the_lawyer/CMPToolkit2_2022-07-11.pdf
- Local Government Schedule: LGS-1 [New York State Archives]
<https://www.archives.nysed.gov/records/local-government-record-schedule/lgs-1-title-page>

Related Policies and Documents:

- Records Retention

ETHICS AND CONFLICT OF INTEREST

Accountability and ethics are critical ingredients for any public organization. As public libraries continue to develop, expand and rely to a far greater extent on the support of local taxpayers, it is essential for every library board to have in place a policy clearly stating the ethical principles upon which they work and the guidelines by which they handle perceived, potential, or actual conflicts of interest. In every decision, trustees should be sensitive to even the appearance of impropriety.

In this context, trustees or their families may not enter into a business relationship with the library, even if they are providing a service below cost.

Board members and staff must be transparent about conflicts of interest. A conflict of interest policy and disclosure form are now required for all libraries in New York State, given the Department of Education's Office of Counsel ruling on how Not-for-Profit Corporation Law applies to libraries. The Act specifies particular issues to be addressed in a library's conflict of interest policy and for each trustee to file a disclosure form annually with the library. For more information visit the New York State Library's website: <http://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>

In a similar fashion, Library Boards are strongly encouraged to adopt anti-nepotism policies to address the management and public relations issues surrounding the employment of both trustees' and staff family members. Should you find a pre-existing nepotism situation at the library, it is critical to review with managers appropriate communication channels and authority. Trustees in conflict in this area may need to recuse themselves from certain votes (e.g., union contracts, salary increases, etc.) that would impact their relative(s).

The New York State Education Department's "Report Fraud, Waste, and Abuse" website (<http://www.oms.nysed.gov/oas/fraud/>) often receives complaints challenging

the actions of library boards that have approved the hiring of relatives of board members as either staff or as vendors. The public perceives such actions as inappropriate and, in the interests of stewardship, accountability and transparency, library boards are strongly advised against such actions.

Trustees should also avoid serving on the same library board with their spouse or other close family members. Indeed, school districts (and by default, school district libraries) are prohibited under Education Law §2103(3) from having more than one family member (defined by the Attorney General as a “member of the household”) on the Board. As per the Board of Regents’ Statement on the Governance Role of a Trustee or Board member, “...*Care must be taken at all times to ensure that family and/or personal relationships do not inappropriately influence a trustee’s/board member’s decision-making...*”. In the absence of clear guidance by Education Law, public libraries are well advised to adhere to opinions related to their governing authority or jurisdiction. Indeed, common sense and best practice dictates that all library boards should avoid such a situation.

Though not necessarily an ethical or legal issue, “appropriate and professional” behavior by board members is every trustee’s concern and responsibility. You reflect the library to the community. The most successful boards have a positive culture of mutual respect, understanding, and inclusivity. To this end, Boards should adopt both a Code of Ethics and an Equity, Diversity, and Inclusion Statement so that expectations of behavior are clearly stated.

All trustees are also mandated to annually take Sexual Harassment Prevention Training as per New York State Human Rights Law. This training does not count towards the minimum of two hours of trustee education mandated by New York State Education Law, it is in addition to that mandate.

When any member acts in a manner that is not in the best interests of the library or in the cooperative nature of the Board, the Board President should discuss the

issue with the trustee in a direct and constructive manner. Violations of the Board’s Code of Ethics can be the basis of the dismissal of a trustee from the Board following due process, and this should be made clear in the removal of a trustee clause of the library’s bylaws. When the Board President is acting in a manner that is not in the best interest of the library or in the cooperative nature of the Board, the officers of the Board should address this issue with the Board President. All trustees must take responsibility for holding each other accountable.

Resources:

- Combatting Sexual Harassment in the Workplace [New York State] <https://www.ny.gov/combating-sexual-harassment-workplace/employers>
- Conflict of Interest policy, Non-Profit Revitalization Act [New York State Library] <http://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>
- Public Library Trustee Ethics Statement [United for Libraries, American Library Association] <http://ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/Ethics%20Statement.pdf>
- Diversity, Equity and Inclusion Framework and Policy Statement [New York State Education Department] <https://www.nysed.gov/diversity-equity-inclusion/diversity-equity-and-inclusion-framework-and-policy-statement>
- Glossary of Terms, Office for Diversity, Literacy and Outreach Services (ODLOS) [American Library Association] <https://www.ala.org/aboutala/odlos-glossary-terms>

Related Policies and Documents:

- Anti-Bullying
- Code of Ethics/Conduct
- Conflict of Interest
- Equity, Diversity, and Inclusion Statement

- Anti-Nepotism
- Whistleblower Protection
- Sexual Harassment Prevention
- Workplace Safety/Violence Prevention

PERSONNEL

The management and operation of a library are accomplished through a partnership among trustees, the Library Director, staff, and volunteers.

The Critical Partnership: Trustees and the Director

As the library's governing body (and the entity with ultimate accountability for the institution), the Board has the responsibility to hire a competent, professional, and qualified Library Director as the “CEO” (Chief Executive Officer) and then to regularly review and evaluate that person's performance in moving the library forward. Having hired a Library Director, the Board has an obligation to support the Library Director wholeheartedly within the context of the employment relationship. Good communication and cooperation between the Board and Library Director and an appreciation of the interdependency of each other's roles are prerequisites to a well-managed library.

It is critical for the Board to establish and maintain clear lines of communication with the Library Director. In general, the Board's directions and intentions are communicated to the Library Director through the President or through official actions at a Board meeting. Individual trustees should refrain from issuing specific instructions to the Library Director at board meetings and especially between meetings. Such individual directions are inconsistent with the concept of collective board authority, and a Library Director risks being caught between conflicting intentions, even among well-meaning trustees.

Trustees and Staff

The day-to-day management of the library, including the management of staff, is the Library Director's responsibility. The Library Director is the only employee

directly overseen by the Board. The Library Director is responsible for the management and supervision of all other library employees. Trustees have a responsibility to know the staff at a friendly but professional distance, to be cordial and supportive, and to promote goodwill. But they must approach staff relationships with a degree of caution.

Soliciting input from staff regarding library operations as an individual trustee is inappropriate, as is suggesting training to a staff member, or asking them to do something for you, even if it is related to your board service. Astute awareness of the power dynamic between board members and staff is essential. You are not the average community member; you hold a position of authority in the institution. Misuse of that authority, even if you did not mean for your comment, request, or suggestion to be perceived as an abuse of power, can be detrimental to the chain of command and workplace culture of your library. Usurping the administrative prerogatives of the Library Director can only undermine that person's position and authority and ultimately lead to misunderstanding and conflict. (See the Appendix *Working Together: Roles & Responsibilities Guidelines* for helpful guidelines).

Board policies, including a “Whistleblower” policy as required by law, should clearly indicate the process for staff complaints and grievances, and the Board should never get involved in such activities outside of this process. Individual trustees must never address staff complaints and grievances; rather, they should refer the staff to the appropriate policy. If a grievance reaches the Board level, it is usually the responsibility of the Library Director to communicate the Board's decision back to the staff. Only in those cases where the grievance involves the Library Director should the Board communicate directly with the staff.

A trustee is part of the governing board of the library, while staff and volunteers report to the Library Director or other paid supervisor. While Education Law §226(7) specifically prohibits trustees from receiving compensation, some trustees may act as library volunteers, especially in small libraries. Likewise, libraries without

an anti-nepotism policy often have trustees' family members on staff. This can lead to an awkward situation for all involved. (State law only prohibits public Library Trustees from appointing their close relatives as "officers of the corporation," i.e., Library Director, Treasurer, or Trustee.) Any trustee who pursues the role of volunteer or has a family member or friend on staff must be extremely sensitive to the potential conflicts of authority that may arise. It is best to avoid such situations whenever possible.

Appointment of Staff

Education Law §226(7) specifies that all personnel actions must be approved by the Board at a legal meeting. This does not suggest that the Board selects staff other than the director. It does mean that the Board creates all positions, establishes salaries, and formally appoints the staff on the recommendation of the director. In other words, ***the Director selects, the Board appoints.***

Though the Board must ultimately approve all appointments, titles, and salaries, and so note these actions in their minutes, often simple staff appointments such as pages or part-time support staff cannot wait until the next Board meeting. In such cases, retroactive appointments are commonly made. Likewise, public library boards will often approve an appointment "pending civil service approval" in an effort to streamline the sometimes awkward formalities of civil service rules.

Typically, the Board will review the credentials of candidates recommended for higher-level staff positions such as department head or assistant director in order to be familiar with the library's leadership. This would also apply to the positions of Treasurer and District Clerk.

Selecting the Library Director

The most important responsibility of a library board is to select a qualified Library Director who can work effectively with the Board, professionally manage the organization and reflect the ideals of the institution and the community it serves. All libraries are required to comply with Education Department Regulations (8 NYCRR) §90.8 governing the minimum qualifications for Library Directors. Public libraries must also conform to the civil service rules for employment in their jurisdiction and in the State of New York. (See the Appendix *Civil Service 101* for more information.)

When embarking on this process, it is appropriate for the Board to ask themselves a number of critical questions about the library, the Library Board and the type of leadership they require. Each of these should be considered in light of the library's mission, long-range and strategic planning documents and recent assessments of community needs. Such questions might include:

- What qualities do you value in your Library Director?
- What are the most important skills your Library Director must possess?
- What roles do you see the Library Director playing with the Board, the staff and the community?
- What significant initiatives and challenges do you foresee for the Library in the next five years?
- Do you prefer a well-experienced Library Director or are you willing to give bright new talent a chance?
- Would you prefer (or not) a local resident?

All too often, library boards look for the easy way out, the simplest or quickest choice or the cheapest alternative rather than following a well-developed search process which gives the Board the best chance to find the right Library Director. Competent leadership of the library is essential for its efficient management and

future success. Choosing an inadequate Library Director will result in more work for the Board and a disappointing library. Every library deserves a qualified Library Director who is respected by the Board and community and is appropriately compensated.

Library Boards who are not required to hire through the civil service system should solicit candidates from a wide variety of sources to ensure a strong pool of applicants. Those who fall under NYS Civil Service Law are advised to contact their regional Civil Service Commission for guidance in the selection process. Talk to your library system for recommended best practices in the hiring and selection process along with help to post the position far and wide. Thoroughly evaluate resumes and hold additional interviews for good candidates. Ask tough questions but be certain to stick within the law. Check references and previous employers. Do a basic internet search on a candidate's name. Lastly, negotiate a fair agreement for salary and benefits and put it in writing, in the form of a letter, memorandum or contract. Qualified professionals will expect no less.

In the event the Board finds itself without a Library Director during the search process, it is important to appoint a qualified interim/acting Director as soon as possible. If no one on staff is available, the Board is strongly advised to contact their public library system for assistance. The interim Director should not be a trustee unless they resign their position and are qualified for appointment. As per Education Department Regulations (8 NYCRR) §90.2, in no case should the Board take on the day-to-day management of the library. Please see the “**Hiring a Library Director**” appendix for more information.

Performance Evaluation

In order to maintain clear communication and effective management, it is critical for the trustees to regularly evaluate the performance of the Library Director as

well as the Board itself. There are several good reasons to conduct an annual performance review of both the Library Director and the Board. Among them:

- The Library Director and Board are the co-leaders of the library. While each has distinct roles and responsibilities, neither can succeed without the other;
- A review provides the Library Director with formal feedback on their job performance;
- A self-evaluation of the Board provides the trustees with regular feedback to help better support the group's success;
- The evaluation effort provides the Board with critical information about the operations and performance of the library and should be conducted in such a way to inform the evaluation of progress on the library's long-range/strategic plan;
- The evaluation process can be used to establish the goals and objectives of the library, as well as of the Library Director;
- A meaningful evaluation process can link compensation for the Library Director to job performance;
- A thoughtful evaluation can improve communication and provide motivation, direction and encouragement;
- The process can be coordinated with the determination of community needs, thereby providing an important component of the library's ongoing planning efforts; and
- The formal evaluation process is necessary to properly document unsatisfactory performance.

It is essential that a written, reasonable, and up-to-date job description for the Library Director be in place as a benchmark. It is also important to mutually develop an annual performance plan with the Library Director. A Library Director Evaluation Policy can be a helpful tool that documents how the evaluation process takes place each year, who is involved in the process, what tools or resources are used, and serves as a consistent plan from one governing board to the next.

The annual evaluation is the time when members of the Board and their chief executive focus on the important issues facing the library and evaluate how the Library Director and the Board are performing as a team. There are many sample evaluation forms available, but it is the process itself that is most important, not the form. To make the process more effective, consider the following tips:

- Have an accurate and realistic job description for the director and board members in place;
- Have a written agreement or contract stating the Library Director's conditions of employment, salary and benefits, and the evaluation methodology;
- Conduct a written evaluation of the critical aspects of the job by members of the Board or have the Library Director provide a detailed self-evaluation for board review and discussion;
- Evaluate the Library Director's performance against the goals and objectives of the Library Director's performance plan as well as the library's long-range and strategic plans;
- Make sure the entire Board participates in the evaluation process; and
- Be open and honest and discuss the results face to face.

Compensation

Personnel is a library's most important asset, and a board must consider its investment in staff salaries as a top priority. Fiduciary responsibility requires securing adequate funding to pay competitive salaries and benefits to its Library Director and staff. A library's success is dependent upon the quality of customer service provided by library staff. You will want to plan accordingly to retain competent, qualified, customer service-focused staff. Use benchmarks such as the MIT Living Wage Calculator (<http://livingwage.mit.edu/>), salary levels of corresponding personnel in the local school district and nonprofits, as well as salary and benefit

levels in equivalently sized libraries in your region. Please note: Civil Service does not dictate salary levels.

Continuing Education

No one is born an expert at their job. On the job learning, mentoring and continuing education opportunities are essential to an employee's success and therefore the library's success. The Board should adequately budget for continuing education for staff, including the ability for staff to attend educational opportunities on work time and accommodations to underwrite the travel costs to workshops and conferences. In addition, minimum standards for public libraries in New York require that all library personnel receive annual technology training. Therefore, it is recommended that at least 1% of the library's operating budget should be invested in education for staff and trustees. A good library never stops learning.

Your First Responsibility

As a Trustee, it is sometimes necessary to remind yourself that your first responsibility is to the library and the community it serves. The role of employer may be a role to which many Trustees are unaccustomed, and it can sometimes seem easier to let an uncomfortable situation slide rather than face it head on. This is especially the case in small communities where Trustees and library staff may have been friends and neighbors for many years. An unwillingness to deal directly with difficult personnel issues will ultimately damage the library and its ability to provide the best service to the community. If a Library Director has truly demonstrated a continuing, documented inability to manage the library effectively, the Board must look for a new person who can do so rather than make excuses or run the library themselves.

But be advised that before the library begins any significant disciplinary action against an employee, they should first consult the library's legal counsel. The

liability involved in personnel actions is significant if the process is not handled properly.

Resources:

- Organizational Tools for Trustees [United for Libraries, American Library Association]
<https://www.ala.org/united/trustees/orgtools>
- Evaluating the State of the Library [Mid-Hudson Library System]
 - Director Evaluation <http://midhudson.org/topics/trustees/atb-evaluating-the-library-1/>
 - Board Effectiveness <http://midhudson.org/topics/trustees/atb-evaluating-the-library-2/>
- Disability.gov [Office of Disability Employment Policy, U.S. Department of Labor]
[Disability.gov/](https://www.disability.gov/)
- Job Accommodation Network <https://askjan.org>

Webinars:

- The Director-Board Relationship, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)]
<https://midhudson.org/trusteebookclub/>
- The Critical Partnership: Public Library Trustees and Directors [New York State Library] <https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- Helping All Trustees Succeed Mini-Webinar Series (HATS) [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Policies and Documents:

- Anti-Bullying
- Anti-Nepotism

- Attendance/Leave
- Code of Conduct
- Computer/Internet/Email/Social Media Use
- Conflict of Interest
- Continuing Education
- Discipline/Termination
- Equal Employment Opportunity
- Evaluation Procedure
- Grievance Procedure
- Introductory Period
- Jury Duty
- Orientation for New Employees
- Outside Employment
- Personnel Records Access
- Recruitment/Hiring
- Salary/Benefits
- Sexual Harassment Prevention
- Volunteers
- Whistleblower Protection

BUDGETS AND FINANCE

Boards are legally responsible for the library's finances and financial management. As custodians of public funds, trustees must be accountable in their management of the library's money. All too often, Boards fail to live up to their duty to secure adequate, sustainable funding for the library's service program and to exercise appropriate fiduciary oversight. The library's annual operating budget is required to be easily accessible to the public and posted on the library's website (Education Department Regulations (8 NYCRR) §90.2).

The Budget Process

Every public and association library, regardless of size, is required to prepare and adopt a written annual budget. Budget preparation is primarily the responsibility of the Library Director. The Board defines the library's mission and approves a plan of service, and the Library Director translates that mission and plan into programs with specific costs that form the basis for a draft budget. ***The best budgets are developed in relationship to the library's long-range and strategic planning process and include projections for future years.***

During its development, the budget draft should be reviewed and scrutinized by the President, the Treasurer/Finance Officer and the Board's Finance Committee, depending on local practice. The final budget draft should be the product of careful review and discussion by a number of people even before it is presented to the full Board. The entire Board should review and discuss the library's budget. The final budget must be approved by the Board prior to submission to the electorate or funding authority.

Library Directors lead the budget development process for the library. As the administrator of the library, the Director has an important perspective on the

library's programs, services, and costs that trustees do not. Libraries may also seek assistance from their public library system during the budget process.

The Board reviews the budget, provides assistance, and asks questions based on the Library Director's recommendations. The Board ensures that the budget can help the library fulfill its mission, seeking additional funding if necessary. Ultimately, the Board approves the budget.

A budget is a flexible document, not a rigid rulebook. Plans and circumstances will change during a fiscal year, and the Board has both the authority and the responsibility to revise the budget to accommodate new situations.

Fund Accounting

Public libraries (school district, municipal and special/consolidated legislative districts) fall under the auspices of the Office of the State Comptroller (OSC). In accordance with the OSC Accounting and Reporting Manual (<https://www.osc.state.ny.us/files/local-government/publications/pdf/arm.pdf>) the library may establish more than one accounting fund for specific purposes. While association libraries are not governed by OSC accounting principles, they are well advised to follow such guidelines as well.

The *operating, or general fund* is the account from which the library's day-to-day income and expenses are received and disbursed and is usually the account through which almost all receipts pass through. This is the primary fund for the library's annual budget. As noted above, however, even the best budgets are planning tools and subject to change due to unexpected circumstances. In that event, Boards are advised to transfer funds between budget lines, or from other funds, as per their budget amendment policy and procedures as necessary to meet their revised needs. This should be done prior to over expending a particular budget line, or in advance of anticipated expenditures.

A *capital fund* is a separate account established for special one-time, unusual and usually high-cost activities such as construction, renovation, or major equipment purchases. Often the end-of-year surplus from the operating fund is transferred into the capital fund for future use. To justify the amount transferred to this fund, the Board's reserve funds policy should be tied to a regularly updated, board-approved facility plan.

A library may also have an *endowment fund*, which exists independent of the operating fund and whose purpose is to generate supplemental revenue for the library. Often such funds are designated for specific purposes. Endowment funds held by public libraries must adhere to the investment protocols found in General Municipal Law, discussed in more detail below.

Boards may establish other special purpose funds for accounting and planning purposes, such as accumulated sick and vacation benefits, unemployment claims, and post-employment benefits. It is common for the library to maintain an "undesigned" fund, or "fund balance," to meet the cash flow requirements of the organization prior to the receipt of taxes.

Each fund must be defined in the library's Reserve Funds policy, identified in the library's annual audit, and its purpose understood by every trustee. While there is no limit to amounts held in such reserve funds in law or regulation, the amounts should be clearly justifiable. Recent OSC audits have questioned extraordinary reserves (i.e., in excess of the library's annual budget) and therefore your Board must be able to justify amounts set aside for specific purposes. *Monies may be transferred into and out of such funds only with formal board approval at an open meeting.*

Having acquired funds from a local government, community taxpayers or other sources, the Board has an obligation to spend the money! Amounts to be placed in reserve funds should be included in the annual budget. Although reserve funds are

prudent and appropriate, the library should not hoard excessive amounts of money as a hedge against the proverbial rainy day. There should be justification, based in reality, laid out in the Board-approved policy for all reserve funds. Local governments, voters, and donors do not provide funds to the library so the Board can put it away in a safe place without cause. They are investing in services from the library that should be delivered.

Audit and Control of Funds

Under New York State law, the Board has sole authority over the expenditure of funds appropriated for library purposes. The Board, therefore, must have a method in place for the review and approval of all expenditures. All trustees should receive a monthly financial statement prepared or approved by the Treasurer, showing receipts, expenditures, and a comparison with the budget. All expenditures of library funds must be approved by the Board either prior to the expenditure or, for such items as petty cash, recurring utilities, or subscriptions, soon thereafter. Each library should have a policy governing such transactions.

In recent years Boards have been frequently criticized by the OSC for insufficient oversight of library expenditures. Specifically, Boards are instructed to establish a “*claims auditing*” procedure where one or more trustees are assigned to thoroughly review and sign off on the monthly bills and make a recommendation to the full Board for payment. All trustees are encouraged to exercise “due diligence” in the payment of claims. Bills must be available for trustee review at board meetings at which they are approved should questions arise.

All libraries are required to submit a financial report as part of their *Annual Report* to the New York State Library. In addition, all public libraries are required to submit an *Annual Update Document (AUD)/Annual Financial Report (AFR)* to the OSC and all association libraries registered as a 501(c)(3) with the IRS should submit *Form 990* to the Internal Revenue Service.

Though not required by law, all types of libraries are strongly advised to conform to the highest accounting standards recommended by the Governmental Accounting Standards Board (GASB) in their management of public funds.

Procurement

Public library boards, in addition to compliance with New York State competitive bidding statutes, are required to adopt a written procurement policy and procedures governing all purchases of goods and services; *even those that are not subject to competitive bidding*, in accordance with New York State General Municipal Law. Soliciting competition through competitive bids, requests for proposals, and written and/or verbal price quotes is considered an effective process by the OSC which has established guidelines for effective procurement practices, see the *Resources* section at the end of this chapter for relevant links. Association libraries are also encouraged to follow such responsible practices.

External Audits

Boards should authorize annual external audits by an independent Certified Public Accountant (CPA) in order to ensure that the financial management and control system is functioning properly. While the Board may be concerned about the cost of an external audit by a CPA, it is important to remember that these funds belong to the community and deserve professional oversight. It is an acceptable and best practice to budget for an external audit.

The purpose of an audit is to certify the accuracy of the library's financial statements. The auditor is testing the financial control system for reliability. The audit is an opportunity to verify and confirm the library's proper financial management and to learn from outside financial professionals. Several years of independent audits are often required when libraries seek to borrow funds or the

issuance of municipal bonds for capital projects and are occasionally called for in a grant application.

As noted above, all types of libraries are strongly advised to conform to the highest accounting standards recommended by the Governmental Accounting Standards Board (GASB) in their management of public funds.

Office of the State Comptroller's Audits

The Office of the State Comptroller (OSC) has the right to audit the finances and internal financial control practices of public libraries. They may also audit association libraries, but only in the area of property tax cap compliance. All public libraries should prepare for an eventual audit from the OSC. A review of recent audits of public libraries by the OSC revealed five areas that were commonly deficient. Each Board should ensure library policy, procedures and practices are in alignment with the OSC's recommended best practices for internal controls, particularly in the areas of:

- Claims audit process: Does the board review and approve every bill?
- Cash handling procedures: Are there appropriate segregation of duties procedures in place?
- Purchasing/procurement policy: Are there written procedures in place even for purchases under the threshold for bidding under NYS General Municipal Law?
- Credit card policy: Who may use credit cards and for what specific purposes?
- IT security and policy: Is your library exercising adequate password management practices to keep business and banking data safe?

Guidance from OSC on all five of these areas is available through their Local Government Management Guide modules:

- *The Practice of Internal Controls*
- *Management's Responsibility for Internal Controls*
- *Improving the Effectiveness of Your Claims Auditing Process*
- *Information Technology Governance*
- *Seeking Competition in Procurement*
- *Investing and Protecting Public Funds*

All are available at: <http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgm>

Library Funding

Securing adequate, sustainable funding is primarily the job of the Board. The trustees are accountable to the local community and responsible for obtaining sufficient funding to provide appropriate public library services; both for the present and well into the future. As in all endeavors at the library, the Library Director has an important role to play as well in the careful management of the library's finances and accurate projections for financial planning purposes. Public libraries demonstrate a community's commitment to a better tomorrow, and it is the trustees' responsibility to ensure that their library will be a strong and viable institution for their children and grandchildren. A public library is a public service, and secure, reliable, and consistent public funding that is voter-directed is the most appropriate way to pay for it. A public library is not a charity!

Today's increasing regulation, public scrutiny and technological changes must be met with a farsighted and unselfish vision that recognizes these realities and plans for the future. Good stewardship means solid financial planning for the future. This may mean significantly restructuring library services, or even pursuing a new legal structure to obtain stable tax support, on your own or in cooperation with neighboring libraries. Ultimately, the board must assume responsibility for tomorrow's community library.

Multi-year financial planning can be a vital tool as your Board sets long-term priorities and works toward goals, rather than making choices based on the needs and fiscal realities of the moment. This exercise can help a board see the impact of their fiscal decisions over time and avoid sudden deficits or unreasonable requests to taxpayers for increased funding. There is no doubt that costs have been outpacing revenue for New York's libraries. Without fiscal planning for the future, trustees can jeopardize reserve funds, erode public trust, and compromise quality library service, including good stewardship of the library facility and the ability to retain the quality staff your community deserves.

For Boards that are planning a major expansion project, a concurrent activity will entail designing an operations budget that will be able to meet the demands of a larger library facility. Addressing the anticipated increased operational costs for staff and utilities will need to be considered and planned for before the library has its grand opening ceremony.

In addition to tax monies, public library revenue may be diversified with a variety of other sources. These sources can include investments, Payments in Lieu of Taxes (PILOT), government and foundation grants, gifts and bequests, and fees. All of these sources can provide important added dollars for the library's budget, but they should always be considered supplemental to tax support. The public library system can provide information on grants and other complementary funding sources available. To rely on donations for mission-critical operational expenses such as salaries, building maintenance and utilities is inviting a crisis for the library.

Boards that choose to rely on fundraising campaigns, either as an annual appeal to supplement the operating budget or as a component of a capital campaign, should be well aware of any legal restrictions on trustee involvement in the process.

No public funds should be spent on fundraising efforts. Public funds are intended to produce public services. Therefore, both public and association library Boards

must be careful in approaching Board-led fundraising activities to ensure no public funds, including staff time underwritten with public funds, are utilized in these efforts.

To rely on donations for mission-critical operational expenses such as salaries, building maintenance and utilities is inviting a crisis for the library. Boards should work to identify projects that would be well addressed through fundraising efforts and defer them to the Library Friends or Foundation to lead fundraising efforts. Of course, trustees are private citizens too and may certainly work to raise money for the library as individuals. Please refer to the chapter on **Library Friends and Foundations** later in this Handbook.

A Library Trustee's fiduciary responsibility requires that a library secure adequate funding to provide the library resources their community deserves. If a library requires additional funding to provide these services, the Library Board should use the library district model endorsed by the Board of Regents or seek other sustainable public funding sources. Focusing the Board's attention on these sustainable funding sources rather than unpredictable fundraising activities is the best way to ensure the library's long-term success. For more information on this topic, please visit the State Library's "*Public Library District Toolkit: Strategies to Assure your Library's Legal and Financial Stability*":

<https://nyslibrary.libguides.com/pldtoolkit>

Property Tax Cap

Libraries of all types that have their own Board and have a public vote on their tax levy are subject to the Local Government section of the New York State Property Tax Cap law. This legislation went into effect in 2011 and is designed to limit property tax increases to 2%, or the Consumer Price Index (CPI), whichever is less. Each year your library must file an online form with the Office of the State Comptroller (OSC) to indicate your compliance with the particulars of the law. In

the course of the Board's budget deliberations, you may determine that your library may be justified in asking for more than the tax cap amount. To accomplish this, the Board must pass a tax cap override resolution prior to the public vote on the library's tax levy. This resolution must receive an affirmative vote by 60% of the library trustees. A sample resolution is available in the *Resources* list at the end of this chapter. The public vote must then pass by a simple majority to approve the levy amount. For more information, see: <https://www.osc.state.ny.us/local-government/property-tax-cap>

Investment of Funds

Because public library trustees act as custodians of public funds, they are subject to very tight restrictions on eligible investments. As recommended by the State Comptroller:

"The primary objectives of the library's investment activities should be, in priority order, 1) to conform to all applicable federal, state and other legal requirements (legal), 2) to adequately safeguard principal (safety), 3) to provide sufficient liquidity to meet all operating requirements (liquidity) and 4) to obtain a reasonable rate of return (yield.)"

For more information see: *Investing and Protecting Public Funds*, <http://osc.state.ny.us/localgov/pubs/lmgmg/investingpublicfunds.pdf>

Under General Municipal Law and subsequent court rulings, all funds (including privately raised moneys) under the control of a municipal, school district, or special/consolidated legislative district library may only be invested in the following limited number of financial vehicles:

- Time deposit accounts or certificates of deposit in commercial banks and trust companies located and authorized to do business in New York State;
- Obligations made by the United States of America or guaranteed by the United States of America; and/or
- In limited circumstances, obligations of municipalities and other municipal corporations.

Except for gifts given to the library as a true trust, even privately acquired funds are subject to these investment limitations for *public* libraries. Under certain circumstances, and with the express permission of the OSC, gifts of stock may be held until a fiscally appropriate time for sale. Some public libraries have partnered with regional “community foundations” that have established investment programs to allow the foundation to accept significant donations on behalf of the library and to invest them in a more diversified manner. It is critical to develop this relationship before such a donation is made and to review such an arrangement with the library’s legal and financial advisors. To locate your local or regional Community Foundation use this link: <https://www.cof.org/community-foundation-locator>

Association libraries are not subject to General Municipal Law and therefore have more flexibility and discretion in their investments. However, it is strongly recommended that public funds under the management of an association library board be invested only as described above. Private funds should be subject to a sound, board-approved investment policy. The Board must always understand its accountability to all those who support the library, in whatever fashion.

Capital Projects

When the time comes for a major expansion or renovation, public and association libraries generally seek public approval to borrow the necessary funds from a

financial institution or to issue municipal bonds through an authorized agency such as a school district, Community Development Corporation, or the Dormitory Authority of the State of New York (DASNY). Libraries are not authorized under state law to issue municipal obligations on their own. Such financing is quite complex. Professional legal and financial assistance is necessary.

Other sources of funding for capital projects for libraries can include a traditional capital campaign, requests for funding through your state legislators and the State Aid for Library Construction Program, which is administered through your public library system. Association library boards often will form a capital campaign committee to conduct fundraising for capital projects given their lack of access to financial instruments conducive to bonding for large capital projects. Members of that campaign team can, and likely will need to, include members of the community willing to do this work to avoid overburdening library trustees who already have their hands full with governance oversight. Of course, the Library Director must be an important part of your fundraising team in these cases.

Transparency and accountability in the use of public, governmental, and private funds to operate and improve the library for the community are of the utmost importance. This chapter is designed to empower you to know where to focus your energy, where to turn for help and to ensure you know that you absolutely should have professionals such as a CPA involved to ensure your Board is professional in its approach to the library's finances.

Resources:

- Public Library District Toolkit: Strategies to Assure your Library's Legal and Financial Stability [New York State Library] <https://nyslibrary.libguides.com/pldtoolkit>
- Local Government Management Guides, a selection [Office of the State Comptroller]
 - The Practice of Internal Controls <https://www.osc.state.ny.us/files/local-government/publications/pdf/the-practice-of-internal-controls.pdf>

- Management’s Responsibility for Internal Controls
<https://www.osc.state.ny.us/files/local-government/publications/pdf/managements-responsibility-for-internal-controls.pdf>
- Improving the Effectiveness of Your Claims Auditing Process
<https://www.osc.state.ny.us/local-government/publications/claims-auditing-process/introduction>
- Seeking Competition in Procurement <https://www.osc.state.ny.us/files/local-government/publications/pdf/seeking-competition-in-procurement.pdf>
- Reserve Funds <https://www.osc.state.ny.us/files/local-government/publications/pdf/reserve-funds.pdf>
- Investing and Protecting Public Funds
<http://osc.state.ny.us/localgov/pubs/lgmg/investingpublicfunds.pdf>
- Multiyear Financial Planning <https://www.osc.state.ny.us/files/local-government/publications/pdf/multiyear-financial-planning.pdf>
- Real Property Tax Cap – Local Governments [Office of the State Comptroller]
<https://www.osc.state.ny.us/local-government/property-tax-cap/real-property-tax-cap-local-governments?redirect=legacy>
- Sample Tax Cap Override Resolutions [New York Library Association]
[https://www.nyla.org/images/nyla/files/Sample Tax Cap Override Resolution.pdf](https://www.nyla.org/images/nyla/files/Sample_Tax_Cap_Override_Resolution.pdf)
- State Aid for Library Construction Program [State Library]
<https://www.nysl.nysed.gov/libdev/construc/index.html>

Webinars:

- Public Library Finance and the Trustee’s Fiduciary Responsibilities [New York State Library] <https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- Budgets & Finance, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>

Related Policies and Documents:

- Audit/Review Schedule
- Claims Audit Process
- Credit Card
- Data Security
- Disposition of Surplus Property
- Friends Group Memo of Understanding
- Fundraising/Gift
- Investments
- Inventory/Fixed Assets
- Online Banking/ Wire Transfers
- Petty Cash
- Purchasing/Procurement
- Reserve Funds
- Travel and Conference

PLANNING AND EVALUATION

Every public and association library in New York is required to have a written long-range plan of service, based on community needs, and to make that plan easily accessible by the public through the library website. (Education Department Regulations (8 NYCRR) §90.2) There are many excellent publications on planning. Some, such as the Public Library Association's *Strategic Planning for Results* and Joy L. Fuller's *Strategic Planning for Public Libraries*, are specifically library-oriented.

Though planning may be mandated, it is an activity you will be thankful for as a trustee as it greatly informs decisions at board and committee meetings about budgeting, personnel, capital improvements, library services and community involvement.

Every trustee must be prepared to ask difficult, searching questions about the library's goals and objectives, programs and services, and about the Board itself. What are the objectives of this library? Have they been accomplished? Are they appropriate? Is the community well served? Is the library contributing to creating a more sustainable, resilient community? How do we define good service? Does the director manage the library properly? Is the board functioning effectively? What do we want our library to look like in the future?

Long-range planning requires an organization to prepare for the future based on its current understanding of what the future holds.

A long-range plan contains several components:

- **Vision:** A short, carefully crafted statement that tells the world the ideal state of the impact the library's services will have on the world.
- **Mission:** A short, carefully crafted statement that tells the world why the library exists and how it will achieve its goals.

- **Core Values:** Guiding principles that drive the library's vision and mission.
- **Goals:** Broad statements of intent that support the mission statement and respond to your community's aspirations, as discovered through the community input phase of your planning process. They are measurable only to the extent that they provide targets toward which to strive, for example: Our library will be carbon neutral by the year 2030.
- **Objectives:** Specific, measurable, tasks or projects in support of a goal, usually stated in terms of outcomes, for example: Our library will develop a sustainability plan that will address benchmarking and reduction or offset of our library's greenhouse gas emissions by 20% a year for five years.
- **Strategies:** How you will achieve your goals and objectives, for example: Our library will enroll in the Sustainable Library Certification Program to guide the implementation of our sustainability plan and identify best practices in libraries.
- **Tactics or Action Steps:** Operational planning that may be iterative and fast-paced, focusing on the improvement of things the library already does, for example: We will provide training to our staff to empower them to make decisions that reduce our greenhouse gas emissions as an organization.

Creating a plan involves answering questions:

- What does the community need?
- What is to be done?
- Who is responsible and who should be involved?
- How will it be done?
- What is the timetable?
- What resources (people, money, materials, etc.) are available?
- Who are the stakeholders in the process?
- What is to be reported to whom, and when?
- What options are available?
- How is success measured?

A practical planning process is outlined in the Appendices.

Evaluation is an assessment process and a measurement of activities that have already occurred. Evaluation should provide a foundation for moving forward. Objective measurement, supplemented by subjective, anecdotal information, can help the Board decide if its goals are being met. However, it is important to determine the appropriate measurements upfront and to measure the right things. Conversely, it is a waste of time to measure things that do not matter.

For example, library circulation is a traditional measure of library use, but it is only a small part of the activity in a library and is often misleading if not presented as trend data over the past few years. What are those numbers telling you? What other measurements can be used to get an accurate picture of how the public uses and benefits from the library? This might include a combination of metrics and outcomes.

Examples of additional metrics could include: Library visits; event attendance; Wi-Fi usage; number of active library users; in-house use of materials; Internet use; database searches; engagement on the library's social media channels and so on. Outcomes are the changes, benefits, learning or other effects that happen as a result of your library's efforts - how you are improving your community. Project Outcome from the Public Library Association (<https://www.projectoutcome.org>) provides easy-to-administer tools for outcome-based evaluation. Significant projects, like planning, may exceed the Board's collective skill and experience, making it advisable to call on the public library system or outside consultants for assistance.

As a steward of the library, you are called upon to leverage the planning process to strengthen your library as an enduring, relevant, and responsive institution. To do that well, your Board's planning process will first need to focus on what your community needs to be successful before defining what your library *needs* to be

successful. The core value of sustainability, adopted by the American Library Association on behalf of libraries everywhere, calls upon us to consider the need for balance among environmental stewardship, social equity, and economic feasibility to not just survive, but thrive as institutions and communities. Only in the balance of these three things can we ensure our libraries, and our communities, are resilient and regenerative. Our planning approach should reflect this and focus on community aspirations in the face of the challenges we all face. This will then allow the Board and staff to design services, programs, and partnerships that reflect back what was heard, and demonstrate the vitality of the library in the community.

Resources:

- Public Library Statistics [New York State Library]
<http://www.nysl.nysed.gov/libdev/libraries/index.html#Statistics>
- Libraries Transforming Communities [American Library Association]
<http://www.ala.org/transforminglibraries/libraries-transforming-communities>
- Outcome-Based Evaluation [New York State Library]
<http://www.nysl.nysed.gov/libdev/obe/bestprac/examples.htm>
- Project Outcome [Public Library Association] <https://www.projectoutcome.org/>
- Sustainable Libraries Initiative (SLI) <https://sustainablelibrariesinitiative.org/>

Webinars:

- Strategic Planning, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>
- Strategic Planning [Sustainable Libraries Initiative]
<https://sustainablelibrariesinitiative.org/strategic-planning>
- The Role of Trustees in Planning and Evaluation: Effective Strategies to Utilize All your Resources for Success [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

ACCESS TO LIBRARY SERVICES

Providing free and open access is fundamental to the role of a public library. To provide library access to a diverse community, a library must provide convenient hours; a well-designed facility and website; collections and programs that provide every community member with both windows to, and mirrors of, diverse life experiences; and friendly, helpful staff that treat all who approach the library for service with dignity. The role of the public library is to be a valuable resource to everyone in the community.

Access begins with an awareness of the diversity of the individuals we serve. Be they a young person learning to read; seniors lacking mobility; someone whose first language is not English; a neurodiverse individual; those with hearing or visual impairments; someone who is unhoused; or a wounded veteran returning home; all deserve the same level of service as anyone else.

A strong commitment to equity, diversity, and inclusion should be at the heart of a board's decision-making process. Definitions of these terms, provided by the Board of Regents, are provided in the glossary.

As boards consider issues related to access, policies, personnel, facilities and outreach, all must be done through a lens that considers not only the finances of the library, but environmental stewardship and social equity as described above. Boards must consider if their members truly represent all members of the community and seek input from those whose voices are not present on the current Board of Trustees to ensure all perspectives are considered in board decisions. Trustees should make sure the library's long-range/strategic plan provides steps to incorporate this level of equity, diversity and inclusion within future iterations of the Board.

Board and staff education goals should include cultural responsiveness, disability awareness, eco-literacy and other topics that enhance the ability of the library's stakeholders to plan and budget for inclusive services.

There are many practicable approaches a library board can take to make meaningful changes in support of equity, diversity, and inclusion including:

- **Governance:** Prioritize achieving board diversity, reflective of the community, through board recruitment practices and a commitment to creating a culture of inclusion on the board.
- **Community Engagement:** Seek input from community members who represent a full spectrum of demographics and life experiences. Work with care and intention to make sure that engagement practices are based on mutual trust, confidence and respect.
- **Continuing Education for Staff and Trustees:** Prioritize learning in the areas of cultural responsiveness, disability awareness, eco-literacy, etc.
- **Workforce Diversity:** Develop practices and policies for the recruitment and retention of a diverse workforce in all areas and levels of work at the library.
- **Collections, Programs, and Services:** Ensure access to expansive reading materials, formats and learning opportunities that include all members of your community.
- **Policies:** Regularly review policies to evaluate for disparate or inequitable impact on populations or individuals within your community and staff. Adopt an equity, diversity, and inclusion policy to address and codify the

Board's comprehensive approach to complex issues relating to diversity, equity, and inclusion.

A word about patrons with disabilities: As expressed by the American Library Association: "The category of a "person with a disability" includes a broad range of individuals with a diversity of abilities, identities, and appearances. Library staff should never presuppose a person's limits based on disability. Libraries are committed to providing equal access to collections, services, and facilities for all library users. When this is not possible, reasonable accommodations and timely remediation should be employed to provide an equivalent experience to people with disabilities."

Every New Yorker has the right to access library services in their community.

Facilities

Education Commissioner's Regulations require the Board to maintain a facility that meets community needs. The Americans with Disabilities Act (ADA); the Americans with Disabilities Act Accessibility Guidelines (ADAAG); the Rehabilitation Act of 1973 (Sections 504 and 508); and the Architectural Barriers Act prescribe specific building standards to ensure access for persons with disabilities. All new construction and substantial renovations must comply with ADA requirements. Libraries with inaccessible (or even partially inaccessible) buildings must have a written plan describing how their programs and services will be delivered to customers who cannot gain access and document efforts to improve the accessibility of the facility.

There is no such thing as your facility being "*grandfathered in*" under the ADA. Every Board should prioritize and commit to making its building fully accessible.

Accessible facilities will also need to be designed and equipped to withstand the impact of climate change on your region. Not everyone in a community experiences severe weather or extended power outages in the same manner. More frequent and intense storms that could lead to flooding and extended power outages could become a barrier to access if your facility is not resilient, or you have not provided for service redundancies such as whole building generators and disaster preparedness planning to ensure your facility can open quickly after a disruptive weather event to meet your community's needs. Facilities should also reflect a commitment to reducing the library's carbon footprint through a long-term commitment to reducing greenhouse gas emissions, the leading cause of climate change. Libraries can lead the way in your community to create high-performance buildings and make the switch to renewable energy to lessen reliance on fossil fuels and seek energy independence. Stabilizing energy costs through the adoption of renewable energy sources will be another key to ensuring uninterrupted, or minimally interrupted access to facilities in the face of market volatility. (See the next chapter on **Facilities** for more information.)

Services

Libraries are for everyone, and not everyone learns the same way or has the same capabilities on a variety of fronts. From assistive technologies to make the library's materials accessible to all, to translation services, to outreach to those who cannot come to the library physically, libraries need to prepare to offer accessible and inclusive services for all.

For example:

- Collection Development policies should encourage the staff to curate collections that reflect all community members and their information needs, while providing materials in a variety of formats including low vision, large print, and assistive technology options to access the collection.

- Every library should provide their constituents with information about the services available through the New York State Library Talking Book and Braille Library (for residents of the 55 upstate counties) (www.nysl.nysed.gov/tbbl/) and the Andrew Heiskell Braille and Talking Book Library (for residents of New York City and Long Island.) (<https://www.nypl.org/about/locations/heiskell>)
- Services to people who are homebound must be a recognized service program in every library, both for the fact that such patrons need library services as much as or more than others in the community and that homebound services are legally required under the ADA and Section 504 of the Rehabilitation Act.
- The library's website should have features that are friendly to screen reading software, contrasting colors for those with vision issues, and translation services.

If a public service environment is not fully accessible and inclusive, it cannot play its unique role in the support and preservation of democracy or fulfill its true community purpose. It is the trustee's responsibility to plan and budget for library service for all people in our communities and to confront all the realities of the world that could also create barriers in the future.

Resources:

- Services to People with Disabilities: An Interpretation of the Library Bill of Rights [American Library Association] <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/servicespeoplesabilities>
- The Inclusive Services Assessment and Guide [Wisconsin Department of Public Instruction] [https://dpi.wi.gov/sites/default/files/imce/libraries/Publib/Inclusive-Services/Inclusive Services Assessment and Guide for Wisconsin Public Libraries 20](https://dpi.wi.gov/sites/default/files/imce/libraries/Publib/Inclusive-Services/Inclusive_Services_Assessment_and_Guide_for_Wisconsin_Public_Libraries_20)

19 updated Sept.pdf

- EDI in Our Libraries [American Library Association]
<https://www.ala.org/advocacy/diversity/edi-our-libraries>
- Equity, Diversity, and Inclusion Resources [Mid-Hudson Library System]
<https://midhudson.org/edi/>
- Equity, Diversity, and Inclusion (EDI) Policy & Procedure Analysis Framework [Mid-Hudson Library System] <https://board.midhudson.org/wp-content/uploads/2013/11/Doc.-12.A.1-MHLS-EDI-Policy-Analysis.pdf>
- ADA Update: A Primer for State and Local Governments [ADA.gov, U.S. Department of Justice, Civil Rights Division] <https://www.ada.gov/resources/title-ii-primer/>
- Guidance & Resource Materials [ADA.gov, U.S. Department of Justice, Civil Rights Division] <https://www.ada.gov/resources/?filters=>
- ADA Checklist for Existing Facilities [Institute for Human Centered Design & ADA National Network] <https://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf>
- Talking Book and Braille Library (for residents of the 55 upstate counties) [New York State Library] <https://www.nysl.nysed.gov/tbbl/>
- Andrew Heiskell Braille and Talking Book Library (for residents of New York City and Long Island.) <https://www.nypl.org/about/locations/heiskell>
- Libraries and Sustainability [American Library Association]
<https://libguides.ala.org/sustainablelibraries>
- Sustainable Libraries Initiative <https://sustainablelibrariesinitiative.org/>

Related Policies and Documents:

- Accessibility / ADA Statement

- Collection Development
- Equal Employment Opportunity Statement
- Programming
- Vulnerable Adults
- Website

FACILITIES

Education Department Regulations (8 NYCRR) §90.2(a)(8) requires the Board to "maintain a facility which meets community needs." While various formulas exist for determining the appropriate size of a library, the final determination of adequacy rests in the hands of the trustees. Square footage is only one factor in deciding whether a library meets the community's expectations. Location, internal arrangement, accessibility for all patrons, environmental quality, lighting, and intangibles such as ambiance all contribute to the overall adequacy of a library building. Boards should also consider the utility and importance of outdoor spaces like parking lots, which assure access, and community gardens, performance spaces, reading areas, and children's learning centers as innovative ways to use available library resources to enhance and expand services.

According to the guidelines developed by the New York State Library and the Public Library System Directors Organization (PULISDO):

"Various publications provide helpful "rules of thumb" or "standards" for the number of seats, shelving, or meeting room facilities needed by communities of varying sizes. ... Building experts would first ask the Library Director and Board, "What are the goals and service plans of the Library?" General services planning precedes facilities planning because it defines the users, services, and programs of the library. Once these plans are defined, the board, director and others can better decide on space needs, layout, and technical specifications..."

For more information visit the State Library's "Helpful Information for Meeting Minimum Public Library Standards" website:

<https://nyslibrary.libguides.com/publiclibrarystandards/facility>

Proper maintenance of the existing library is essential if the Board is to fulfill its responsibilities to the community. Preventative maintenance for major systems, such as the heating/ventilation/air conditioning system (HVAC), can extend their life and prevent catastrophic, unexpected, and costly failures.

The library should be a safe and accessible place for everyone in the community to work and visit. This requires more than just a ramp and ADA-compliant bathrooms. Every aspect of the library's service program should be evaluated to determine if it is accessible to persons with disabilities. (Please refer to the previous chapter on **Access to Library Services**.)

The facility is a major part of the customer experience at the library and should be evaluated as part of the library's commitment to quality customer service.

Safety and security are paramount in any public facility. Libraries are no exception. Every effort must be made to create a safe and secure environment for the staff and public. Holding regular fire, "Code Adam," active shooter and other emergency drills is not just a best practice; it is essential for the maintenance of a safe facility. The Occupational Safety and Health Administration (OSHA) requires that employers have an emergency action plan so be sure to visit the resources list at the end of this chapter to ensure your library's emergency action plan complies with federal regulations.

In fulfilling the Board's charge to maintain a facility that meets the library's and community's needs, Boards need to create sustainable, resilient, and regenerative library facilities designed to respond to future community needs.

Operational procedures for library facilities should reflect a commitment to environmental stewardship by conserving energy and water; producing healthy indoor air quality for patrons and staff; and respecting the source and amount of natural resources being used to construct or furnish the facility.

Library facilities are increasingly seen as a place of refuge in the face of climate change-driven impacts on our communities. Our facilities not only house traditional library services but are also called upon as cooling and warming centers, sanctuaries from air pollution caused by wildfires, and “first restorer” hubs that help the community during extended power outages and in the aftermath of major, destructive weather events.

The concept of libraries as “first restorers,” requires strong work in the area of not only disaster preparedness but a library’s contribution to the resilience of their community. First restorers help community members pick up the pieces after a disruptive event. This can include the use of library facilities as a pick-up point for needed supplies like water, food and ice; library staff trained to help community members connect with the State and Federal Emergency Management Agencies’ resources; and providing connections to electricity and the Internet to stay connected with family, work, and access the resources they need in the aftermath of a disaster.

The future of library facility planning will need to prioritize sustainable and resilient design, ensuring the library facility will stand up to the test of increasingly severe weather including storms, heat waves, and the potential for extended power outages given the current and predicted impact of climate change on our communities. The implementation of whole building generators, increasing the number of electrical outlets, emergency communication equipment, and alternative and renewable energy sources can all contribute to the resilience of the library facility and increase the likelihood that your library can be what your community needs in challenging times.

Libraries interested in a systematic way to operate their facility in a more sustainable way may be interested in the Sustainable Library Certification Program, created by the Sustainable Libraries Initiative. (<https://sustainablelibrariesinitiative.org/>)

Sometimes the library can only meet community needs by adding to, or reconstructing, existing space or building an entirely new facility. A major capital project requires a complex and extensive planning process that may require the Board to seek the services of a consultant or library system staff. This should start by procuring an “existing conditions report,” to ensure a board understands the strengths and weaknesses of the current facility. Construction plans should always be developed in the context of the library's mission and long-range plan of service. The Board should review service needs, explore alternatives, estimate costs, and set priorities, all before deciding on a specific building plan to pursue. Community involvement in the planning process is crucial to its success.

Major library construction projects should pursue the maximum achievable levels of sustainable design. In the earliest possible phase of project planning, Boards should prioritize creating healthy, energy-efficient facilities that respect the use of natural resources so that the professionals you hire integrate this thinking into design work. Waiting until later phases of planning can result in unintended cost increases that are avoidable if prioritized early on. Seeking certification for your project through proven programs such as the U.S. Green Building Council’s Leadership in Energy & Environmental Design (LEED) program (<https://new.usgbc.org/leed>), is one of the most visible, responsible ways to show the community that the Board is committed to good stewardship. Similar certification programs include valuable resources such as Green Globes (<https://www.thegbi.org/green-globes-certification/>) and the Living Building Challenge (<https://living-future.org/lbc/>).

Trustees must understand that the planning and implementation process for library construction will require a major effort on the part of the Board, the Library Director and the staff, including many meetings, reports, and reviews. Travel to inspect other library buildings and consultation with library system staff should be part of this process. Most construction projects require plans to be submitted to the SED Division of Facilities Planning or to a local municipality for review and

permitting, which is a time-consuming process. Planning will take many months and delays should be expected.

Nonetheless, despite all the hard work, a building program may not meet with the approval of the community and necessary funding may not be readily available. In such cases, the Board must stay focused on the need to provide quality library service to the community and appropriate facilities for the library. Active planning for the future must continue with more input from the community to develop a plan that will ultimately inspire the investment of taxpayers and donors to underwrite the library your community deserves.

A board should plan for the range of challenges that accompany a significant renovation or reconstruction project. For example, the library may have to move to temporary facilities, which would require relocating staff and materials. If the library remains open for business during construction, trustees should be sensitive to the added stress this will place on the Library Director, staff and the library's patrons. Temporary service policies or exceptions to existing policies may be required. Excellent communication and an unusual degree of flexibility will be essential.

At the end of the day, library facilities are the hub of not only library service delivery, but often, a neighborhood hub that community members rely on for social connections and a sense of community. Boards are encouraged to create library facilities that communities can be proud of and that make a lasting, positive impression on younger generations that we hope are inspired to embrace a lifetime love of reading and learning.

Resources:

- Helpful Information for Meeting Minimum Public Library Standards: Maintaining a Facility to Meet Community Needs [New York State Library]
<https://nysl.library.libguides.com/publiclibrarystandards/facility>
- Basic Facility Plan Outline [Mid-Hudson Library System] <http://midhudson.org/wp-content/uploads/2015/04/Facility-Plan-Outline-2.docx>
- State Aid for Library Construction [New York State Library]
<http://www.nysl.nysed.gov/libdev/construc/index.html>
- Sustainable Library Certification Program [Sustainable Libraries Initiative]
<https://sustainablelibrariesinitiative.org/>
- Library Equipment & Facilities Management: Safety & Security [American Library Association] <https://libguides.ala.org/equip-facilities-mgt/safety>
- How to Plan for Workplace Emergencies and Evacuations [Occupational Safety and Health Administration, U.S. Department of Labor]
<https://www.osha.gov/sites/default/files/publications/osha3088.pdf>

Webinars:

- Building for Your Future: Public Library Renovation and Construction from Dream to Dedication: an Overview [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- Facilities, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>

Related Policies and Documents:

- Accessibility / ADA Statement
- Community Survey
- Disaster Preparedness Plan

- Emergency Action Plan
- Facility Plan
- Incident Action Plan
- Incident Report
- Inclement Weather/Closing
- Long-Range/Strategic Plan
- Meeting Space
- Sustainability
- Technology Plan
- Workplace Safety/Violence Prevention

TECHNOLOGY

Technology continues to transform library service delivery and impact our perception of modern public libraries. The escalating change technology brings shows no sign of abating. Indeed, to remain relevant, the library must assume a leadership role in the utilization of technology within its community and the deployment of technology to bridge barriers to access. Technology is not an end unto itself. Its wise use, along with a professional and well-trained staff, brings the best tenets of library service to everyone in your community.

Access to technology of all types - hardware and software - can have a tremendously positive impact on your community. Increased access to information and education through electronic resources can extend, supplement and, in some cases, replace traditional print materials. The provision of robust high-speed broadband connectivity to the Internet provides the social and economic connections necessary in modern life. Your library's website and mobile app, if well-designed, can streamline the online patron experience and maximize their access to the myriad of resources available to them. By featuring technology and skill development to which residents might otherwise never have access (such as coding, artificial intelligence (AI) and virtual reality peripherals), tech-based programming can spark and satisfy curiosity while preparing your community for the new economy. Current, relevant, and innovative technology can strengthen a library's ability to connect with those they serve and remain relevant to the community.

Libraries are leaders in addressing digital equity, inclusion, and literacy challenges in our communities. The National Digital Inclusion Alliance and the American Library Association have provided helpful definitions of these terms that you will find in the glossary found in the appendix of this Handbook.

Adequate broadband connectivity is essential to the operations of the library and to meet the needs of your community. The software that runs public-facing library operations is often cloud-based, requiring robust and uninterrupted access to high-speed connectivity. To fulfill their missions, libraries need to provide public access to the internet at speeds that meet their needs for common activities online, which are increasingly reliant on higher connectivity to download files and watch streaming media. Boards should approve budgets that meet the Federal Communications Commission's (FCC) and American Library Association's (ALA) recommendations for a minimum Internet speed of 100 Mbps for libraries serving smaller communities and 1 Gbps for libraries serving populations greater than 50,000 people.

Library staff should be comfortable and confident with technology and embrace an institutional focus on the digital literacy skills of library users. Library Directors must select, and Boards must appoint staff capable of learning and teaching evolving technology tools to their patrons. Meeting and exceeding public expectations require a library to be dedicated to staying on top of current technology topics as reflected in the New York State minimum standards for libraries which requires annual technology training for library workers.

Boards must budget for equipment (computers, printers, scanners, Wi-Fi access points, firewalls, etc.) replacement and broadband connectivity on a regular basis. The practical lifespan of a computer workstation is about three years and funds must be available to replace it when it becomes obsolete. Boards must also contend with budgeting for the increasingly complex and expensive market of e-resources, in particular, eBooks and downloadable audiobooks. Boards are encouraged to take advantage of the federal E-Rate program administered by the FCC. This program can subsidize broadband connectivity and some networking equipment by up to 90% depending on your community's economic need.

Boards will also want to budget for innovation. New technology and the need for training in new technology happens on a relatively fast cycle. Allowing the Library Director and staff to try new things can surprise and delight your patrons.

It is wise for the Board to approve a technology plan for the library to integrate technology into the delivery and improvement of public library services to meet the needs of your community. A checklist for technology plans as well as examples of library technology plans are available through WebJunction at: https://www.webjunction.org/documents/webjunction/Connecticut_State_Library_Checklist_for_Technology_Plans.html.

Internet access in particular raises issues of privacy, intellectual freedom and censorship. Education Law §260(12) requires every library to have an Internet use policy. Such policies must comply with state and federal laws regarding privacy issues. Libraries must be ready to address the concerns raised by members of their community, as well as the challenges presented by laws such as the Children's Internet Protection Act (CIPA), which requires libraries to filter Internet access if they accept federal E-Rate funds to reimburse local Internet connectivity costs.

If deployed well, technology can be a significant equalizer in our communities. Embracing technology does not mean letting go of other important aspects of a library's print collection and meeting spaces for the public, it should complement and enhance the user experience and make life easier for staff.

Resources:

- Digital Inclusion Toolkit [New York State Library]
<https://www.nysl.nysed.gov/libdev/Digital-Inclusion-Toolkit.pdf>

- New York State Digital Equity Portal [Community Tech NY, Cornell University's New York State School of Industrial and Labor Relations, and The New York State Library]
<https://blogs.cornell.edu/nysdigitalequity/home/>
- Toward Gigabit Libraries Toolkit [Internet2]
<https://internet2.edu/community/community-anchor-program/cap-library-resources/toward-gigabit-libraries/>
- E-Rate [Universal Service Administrative Co.] <https://www.usac.org/e-rate/#>
- Internet & Technology [Pew Research Center]
<https://www.pewresearch.org/topic/internet-technology/>
- Technology Planning: Questions to Consider [New York State Library]
<https://www.nysl.nysed.gov/libdev/univsvc/tchplnqu.htm>

Related Policies and Documents:

- General Data Protection Regulation
- Internet Use
- Library Equipment Usage
- Privacy
- Social Media
- Website
- Wi-Fi Network Use

PUBLIC RELATIONS AND ADVOCACY

The Board has a responsibility for telling the library's story not only to the target audiences for specific library services and programs, but to the taxpayers and other funding partners that support it. Even the best programs and services are of limited value if people don't know about them and do not understand the impact they have on people's lives. Residents are more likely to support programs they understand, value and use. As leaders in the community, trustees must be prepared to discuss the importance of the library at every opportunity.

What is your "why"? Personal connections and word-of-mouth are proven to be the most effective way to connect residents with the value of the library. How effectively do you speak not just about *what* the library offers but *why* the library offers the services and programs it does? Do you have a personal story of why the library is important to you or your family, or to another resident whose life was changed for the better? Telling the story of why the library is important will truly resonate with your listeners. Ensure you can deliver this "why statement" or "elevator/parking lot speech" concisely, so you will grab your audience's attention and effectively make your point.

Beyond word-of-mouth, there are numerous ways to reach the public. The Board should budget for at least one print mailing a year to the entire area served by the library. The required annual report to the community may be a smart choice for that mailing. Utilize both print and electronic newsletters. Brochures with basic information (such as: "Where is the library?" and "How to get a library card") are required under Education Commissioner's Regulation §90.2. Develop a website worthy of being called your online branch. Have an engaging social media presence and staff whose job descriptions clearly cover public relations in print and online. Ensure that patrons can access library services through their mobile devices. Routine press releases and public service announcements for the newspapers,

radio and television stations in your region are also great ways to reach your community.

There are always new and creative ways to get the word out and the library must *relentlessly* work to connect with the community to ensure a maximum number of residents understand the value of the services you provide. Boards also need to be actively attuned to the public reputation of the library and work to manage misinformation and criticism about the library that is often found in online forums such as social media. Left unchecked, negativity about the library can spread like wildfire. Having a core group of library stakeholders – staff, Trustees, and Friends of the Library, that keep an eye on areas of the Internet where community members gather, can greatly benefit the library’s ability to manage messaging and misinformation.

Crisis communication strategies are best thought through ***before*** a crisis occurs. A crisis can include an extreme weather event, crime, censorship attempts, reputation attack and more. Preparing ahead of time ensures the Library Director and Board leadership are clear on roles and responsibilities in these moments so they can act quickly, keep the staff up-to-date, and increase the chances of minimizing confusion in the community and potential damage to the library’s reputation. Your library should have a risk analysis team - usually the Library Director and executive committee of the Board - and a clear chain of command, including a designated spokesperson (and backup spokesperson). The timely management of messages from the library during these stressful moments can make all the difference in the world.

Public relations also involve partnerships. Trustees and staff should look for ways to form networks and coalitions. Many other organizations, such as the school district, PTAs, service clubs, the Chamber of Commerce, recreation leagues, and local youth and social service agencies have a vested interest in a strong and vital

community library. Help others see how the library can help them reach their goals for the community.

The Board should expect to see library staff deployed in the community, not just in the library building. Often referred to as “embedded” librarianship, a staff presence in the community where residents work and play, is a smart way to connect to your patrons and position the library as a good partner in the community.

A critical aspect of public relations is legislative advocacy. Libraries can help elected officials understand the needs of a large portion of their constituents and should work proactively to invite legislators (local, county, state and federal) to the library. Elected officials should be on the mailing list for all library publications. Dynamic trustees write, call and visit their elected officials frequently. Trustees are in a unique position to be effective in the governmental arena because they are citizen volunteers with no direct financial benefit from library funding decisions. Trustees should keep their elected officials aware of the library's financial needs, as well as the needs of the library in respect to other non-financial issues at the local, state, and federal levels. Zoning ordinances, labor law, copyright, telecommunications rules, environmental regulations, censorship, and many other issues can have an impact on libraries. Trustees must ensure that the library's interests are well represented.

Many trustees support library advocacy through their active membership in the Library Trustees Association Section of the New York Library Association (LTAS) (<https://www.nyla.org/ltas>), the New York Library Association ([NYLA.org](http://www.nyla.org)), and New Yorkers for Better Libraries (<https://www.newyorkersforbetterlibraries.org/>).

Resources:

- Start With Why [Simon Sinek] https://youtu.be/u4ZoJKE_VuA?t=20
- New York Library Association <https://www.nyla.org/>

- New Yorkers For Better Libraries <https://newyorkersforbetterlibraries.org/>
- Advocacy and Public Policy [American Library Association]
<https://www.ala.org/advocacy/advocacy-public-policy>
- Library Advocate’s Handbook [American Library Association]
<https://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/ola/2008lah.pdf>
- Citizens-Save-Libraries Power Guide [United for Libraries, American Library Association]
<https://www.ala.org/united/powerguide>

Related Policies and Documents:

- Public Relations (including Crisis Communication Plan)
- Social Media
- Website

LIBRARY FRIENDS AND FOUNDATIONS

Many libraries form a *Friends of the Library* organization to help achieve a variety of short and long-term goals. The role of a Friends Group is distinct from, but related to, the role of a Library Board. The members are civic-minded people who know that quality library service is important to the life of a community and who are willing to volunteer their time and talents to help the library succeed.

Friends of the Library groups are usually independent organizations, separate and distinct from the library and the Library Board. While their purpose is to support the library, most "*Friends*" have a separate corporate existence. They should have a separate federal tax exemption and their funds should not be co-mingled with the library's operating funds. Depending on local needs, *Friends of the Library* do many things:

- Create public support and awareness for the library and its programs;
- Raise money for capital campaigns or for direct gifts for items not in the library's own budget;
- Work for library legislation or increased library funding appropriations;
- Sponsor and support library programs and events; and
- Volunteer on specific tasks and projects determined by the library administration.

The independent corporate and financial status of *Friends of the Library* can be especially helpful in fundraising and budget vote campaigns. A library cannot use public funds to tell voters how to vote in an election, but a Friends Group may use funds they have raised to do so, within the Grassroots Lobbying limits set by the IRS (<https://www.irs.gov/charities-non-profits/measuring-lobbying-activity-expenditure-test>). Friends Groups can pay for postage, mailings, and other publicity designed to

create a favorable outcome in a library's funding vote and can lend their voices in support of the library's ballot initiatives.

Friends of the Library can be valuable members of the library team when they are organized carefully and when their purpose is clearly defined and structured. Trustees provide citizen control and governance of the library as required by law. The Library Director manages the operations of the library. The *Friends of the Library* provides an opportunity for interested community members to assist the library in ways identified by the Board and the Library Director. It is essential that all parties in this arrangement understand the responsibilities and the limits of their roles. Frequent, clear, and open communication about needs and expectations is the key to a successful partnership between the Board, Library Director and Friends of the Library.

Boards can do a number of things to help and support a Friends Group:

- Be certain that there is a written policy statement or agreement regarding the Friends, their role and their relationship to the Board (a sample memorandum of understanding is available from United for Libraries: <http://www.ala.org/united/friends/orgtools>);
- Work with the Friends and the Library Director to be sure that Friends have clear and appropriate assignments and that their talents are being used well;
- Meet with the Friends Board formally (perhaps semi-annually) to help the Friends plan and define their goals;
- Appoint a library trustee to act as liaison to the Friends Board;

- Be open and welcoming to suggestions, questions and communications from the Friends;
- Have an annual joint meeting with the Friends to review the library’s plan, budget and the Friends’ role for the coming year; and
- Ensure that the members of the Friends are routinely shown sincere appreciation for their efforts.

Library Foundations

Many of the state’s largest libraries and a few smaller libraries as well, also utilize a library foundation to attract support. While the Friends may handle the “day-to-day” fundraising typical of libraries, foundations are generally established to solicit major contributions for capital projects or ongoing programs beyond the scope of normal library activities.

Foundations tend to be more sophisticated in their legal organization due to the number and variety of tax laws and regulations to which they are subject.

For these reasons, libraries are advised to thoroughly research the pros and cons of establishing a foundation versus connecting with the local Community Foundation and to seek advice from similar libraries that have used both mechanisms before embarking on such an endeavor. For more information, visit the United for Libraries website: <http://www.ala.org/united/foundations/orgtools>

Resources:

- United for Libraries [American Library Association] <https://www.ala.org/united/>

- Organizational Tools for Friends Groups [United for Libraries, American Library Association] <https://www.ala.org/united/friends/orgtools>
- Organizational Tools for Library Foundations [United for Libraries, American Library Association] <https://www.ala.org/united/foundations/orgtools>
- Community Foundation Locator [Council on Foundations] <https://cof.org/page/community-foundation-locator>
- Friends of Libraries Section [New York Library Association] https://www.nyla.org/4DCGI/cms/review.html?Action=CMS_Document&DocID=144&MenuKey=fls

Related Policies and Documents:

- Friends Group Memo of Understanding
- Fundraising/Gift Acceptance
- Public Relations (including Crisis Communication Plan)

INTELLECTUAL FREEDOM, CENSORSHIP AND PRIVACY

Public libraries play a unique role in the support and preservation of democracy by serving as open, non-judgmental institutions where individuals can pursue their own interests. To the extent that their budgets permit, libraries attempt to collect materials and share information that represent varying points of view on diverse topics that reflect the life experiences of a variety of community members. As the repositories of our shared culture, libraries sometimes contain information or ideas that are controversial or threatening to some people. Expressions of disapproval, dismay and even outrage over library materials or programs are not uncommon, even though public libraries explicitly avoid doctrinal positions or the espousal of a particular point of view.

As difficult as it may be in some cases, trustees must be very careful to separate their personal opinions from the philosophy of the library as an institution and their duty to uphold the Constitution of the United States. The First Amendment to the Constitution of the United States of America guarantees freedom of speech, and the courts have long held that this guarantee extends to the right to receive information freely. Free access to information is the cornerstone of the American public library and trustees must ensure that their libraries have policies and procedures that prevent any form of censorship.

Every person has the right to read, or not to read, any book; to view or listen, or not to view or listen, to any media or program. The responsibility for children's reading and viewing falls to the parents, not the library. Boards should fully support the right of every parent to control what their child reads or attends, but that right does not extend for parents to restrict what other children read, attend, or to limit the books and resources that are available to young people through the library.

Related Policies

The Board and Library Director should adopt comprehensive **collection development policies** to guide the selection of materials. This policy should reflect the principles of the American Library Association's *Library Bill of Rights* (<https://www.ala.org/advocacy/intfreedom/librarybill>) and *Freedom to Read Statement* (<https://www.ala.org/advocacy/intfreedom/freedomreadstatement>).

A new resource, the *Public Library Collection Policy Template and Guide*, developed through a partnership of the Public Library System Directors Organization of New York State (PULISDO) and the Empire State Library Network (ESLN) is now available, free of charge, to all library boards in New York State: https://www.wnylrc.org/uploads/documents/ask_the_lawyer/CMPToolkit2_2022-07-11_1.docx

The library should also have a clear **Programming Policy** that lays out why the library offers programs, how programs are curated, and the opportunity, or not, for the public to reserve the library's meeting space for its own meetings, not endorsed by the library. This policy should also include a request for reconsideration form to manage a complaint or challenge to a program curated by the library.

Bulletin Board, Display and Exhibit policies also fall into this area of policy-making. These policies should make it clear where displays and exhibits are in the library, who curates these, who has the right to remove items from bulletin boards, displays and exhibits, and again, how a community member could challenge the inclusion of something in a library produced venue.

It is essential that every library adopt a carefully considered and judiciously written **Internet Use policy** statement tailored to the library's own community (Education Law §260(12)). Library access to the Internet raises a variety of challenging intellectual freedom issues. While the library has made a conscious choice to

acquire the items in its collection, no such decision has been made about the resources on the Internet. The library merely provides an access point to billions of databases, websites, chat rooms and other resources without making a judgment about the reliability, accuracy or appropriateness of any of them.

The Internet is the broadest information resource available, and it belongs in every public library. However, the Internet also contains material that is illegal; material that is illegal for children but not for adults; and material that may offend community standards. Some very complex First Amendment questions are at stake in public libraries' use and provision of Internet access. This policy statement should include:

- The purpose of library Internet access;
- A disclaimer about the nature of the information on the Internet;
- Prohibitions against engaging in illegal activities or accessing illegal materials;
- Access allowances and restrictions, such as time limits, sign-ups, etc.;
- A statement of parental responsibility for children and children's access;
- Explanation of appropriate use;
- Penalties and consequences for misuse;
- Explanation of privacy issues;
- An explanation of filtering software, whether or not the library uses it; and
- A statement on whether or not the library uses software to reset a computer and browser after a patron uses it, so they are clear if their search history is saved on the computer or not.

Staff procedures should forbid any comment on patron choices and guarantee the privacy of patron information requests. The state's Library Records law (Civil Practice Law and Rules (CPLR) §4509) prohibits access to any information that links the name of a library user to any library material, information request, or any other use of the library, unless the library is presented with a subpoena or search warrant

from an authorized legal entity. The library should have a **Law Enforcement Inquiry Policy** to ensure compliance with the state law on patron confidentiality. It should be noted that the library is permitted to use the data and information they collect in its own operations but should never sell or share it with others unless required by law.

Additional sources on intellectual freedom (<https://www.ala.org/advocacy/intfreedom>) and privacy (<https://www.ala.org/advocacy/node/466/>) issues can be found on the website of the American Library Association.

As noted above, a standardized procedure to handle patron complaints through a request for reconsideration form must be a component of almost all public-facing policies. Trustees must recognize and acknowledge a community member's right to question any Board action and every trustee must be willing to listen to challenges and explain the library's policies and the reasons for them. The Board should project an open, concerned image without accommodating censorship demands. Responses to challenges must be rooted in the library's policies, regardless of the issue. No person or group outside of the library Board should dictate what materials are suitable for others in the public library, nor should limitations be imposed based on the format of materials.

Request for Reconsideration Forms facilitate the articulation of a complaint from a community member who may disagree with the inclusion of a title or subject matter in your collection, in a display, or through a program on the library's event calendar. However, they also ensure that one person is not able to choose what your community has access to without a proper review by the Library Director and Board, who have the responsibility and authority to not only defend the First Amendment rights of the community but to represent the full community, not just one person's viewpoint. It is the Library Director and Board's responsibility to follow their own policy and procedure. Communication around a challenge should be prompt and transparent to the complainant.

Censorship challenges can be difficult, but they are an inevitable consequence of the commitment to provide open and free access to all the world's information resources. The defense of the right to read, of intellectual freedom, and against censorship can be one of the more challenging acts you may be called upon to assist with as a trustee. Take the time to educate yourself and ensure you know what to do before a reconsideration request may arrive. With good policies in place, a library board will be well-prepared to handle challenges and to defend the right to read. If a censorship issue arises, the library can obtain additional help and advice from the American Library Association's Intellectual Freedom Office: <http://www.ala.org/advocacy/intfreedom/>

Resources:

- The First Amendment to the Constitution of the United States [Congress.gov] <https://constitution.congress.gov/constitution/amendment-1/>
- Library Bill of Rights [American Library Association] <https://www.ala.org/advocacy/intfreedom/librarybill>
- Meeting Rooms, Exhibit Spaces, and Programs [American Library Association] <https://www.ala.org/advocacy/intfreedom/spaces>
- Intellectual Freedom and Censorship Q&A [American Library Association] <https://www.ala.org/advocacy/intfreedom/censorship/faq>
- Library records [Civil Practice Law & Rules, New York State] <https://www.nysenate.gov/legislation/laws/CVP/4509>
- Privacy [American Library Association] <https://www.ala.org/advocacy/privacy>
- Law Enforcement Inquiry Policy Samples [Mid-Hudson Library System] <http://midhudson.org/topics/director-resources/policies/policies-external/>

- *Public Library Collection Policy Template and Guide* [Public Library System Directors Organization of NYS & Empire State Library Network] https://www.wnylrc.org/uploads/documents/ask_the_lawyer/CMPToolkit2_2022-07-11_1.docx
- Office for Intellectual Freedom, *includes confidential support as you address a challenge* [American Library Association] <https://www.ala.org/aboutala/offices/oif>
- Unite Against Book Bans <https://uniteagainstbookbans.org/>

Webinar:

- Ethics & Conflicts of Interest + Intellectual Freedom, Censorship and Privacy, Trustee Handbook Book Club [Public Library System Directors Organization of New York State (PULISDO)] <https://midhudson.org/trusteebookclub/>

Related Policies and Documents:

- Collection Development (including Request for Reconsideration and Weeding)
- Copier/Copyright
- Exhibit/Posting (including Request for Reconsideration)
- Freedom to Read (ALA)
- Freedom to View (ALA)
- Fundraising/Gift Policy
- Lending Rules (including Non-Resident Borrowing)
- Library Bill of Rights (ALA)
- Local History
- Meeting Space/Equipment
- Patron Behavior/Code of Conduct
- Patron Complaints
- Patron Confidentiality (including Law Enforcement Inquiry)
- Programming (including Request for Reconsideration)

BOARD DEVELOPMENT

Library boards are groups of volunteers working together to create a quality public library to meet the needs of their community. The Board needs to deliberately develop itself into a dynamic, high-performing team through education, self-assessment and active recruitment. Your community deserves no less.

Trustee Education

Trustees must learn and grow during their entire tenure on the Board, developing an ever-deepening awareness of the affairs of their own library and an appreciation and understanding of other libraries and library organizations. The public library is a multifaceted organization functioning in a complex world.

Though the first critical step in the learning process is the orientation of a new trustee, education cannot cease once a person has reached the board table. Board meetings can be an excellent forum for continuing education. Many boards set aside time at every meeting for a presentation or discussion of some aspect of the library's work or programs. Such a session might include a training webinar, an overview of a staff member's work responsibilities, a presentation by a representative of the public library system or simply a few minutes of philosophical discussion and reflection on the role and purpose of the library.

Please note, as of January 1, 2023, all public and association library trustees are required to take at least two hours of continuing education annually. For more information, visit the New York State Library's website on this requirement: <https://www.nysl.nysed.gov/libdev/trustees/education.htm> On this site you will find a list of pre-approved trustee education providers. Attending trustee education offerings from these providers will count towards your required education each year.

Trustees should seek out educational opportunities through their Library Director available from their public library system, an organization that is a pre-approved trustee education provider. Understanding the context in which your library operates and reviewing the roles and responsibilities of trustees, while having the opportunity to network with other trustees regionally, will greatly enhance your value as a local library trustee.

There is an extensive body of literature on trusteeship and board development, as well as public library operation and management. A small sampling is included in this Handbook. Trustees should also ask the Library Director to let them know about articles or books in all fields that may be helpful to an understanding of the library's affairs. The New York State Library has numerous webinars focused on trustee issues (<https://www.nysl.nysed.gov/libdev/trustees/webinars.htm>) and there is now a companion web series tied to this resource, the Trustee Handbook Book Club that may be useful to you: <https://midhudson.org/trusteebookclub/>

Workshops, conferences and webinars provide an excellent opportunity for continuing education, both from the program content itself and from the opportunity to meet and share experiences and ideas with other trustees. In addition to your public library system's trustee education offerings, the annual New York Library Association Conference offers an excellent opportunity to learn about new developments, programs, and activities across the state. The Library Trustees Association Section of the New York Library Association always offers a special package of trustee-oriented programs within the NYLA conference. On a national level, United for Libraries offers a program track for trustees at the annual ALA Conference as well. All of the organizations listed above are also pre-approved trustee education providers.

Outside the library field, there are many organizations concerned with non-profit administration and management. *BoardSource* and the *National Council on Nonprofits* are especially helpful and complement the governance of library

organizations. When seeking education from these non-library focused sources, keep in mind the specific laws and regulations for public and association libraries discussed in this handbook. Please note, these organizations are not approved providers of trustee education in New York State.

Financial constraints or the perception of public disapproval make some boards reluctant to approve dues, registration fees and travel expenses for continuing education. However, these expenses are essential to keep libraries alive and vibrant through a better-informed and more effective Board and staff. Every library should have a written policy regarding staff and board training and budget sufficient funds each year to ensure that both the library board and the library staff can take full advantage of educational opportunities and remain aware of new trends and best practices in the library world.

Effective and knowledgeable trustees undergo a constant process of growth and learning. Attending board meetings and voting on current questions is not enough. Continuing education, for trustees as well as staff, represents an important investment in the library's future and demonstrates good stewardship of the organization by the Board.

Board Evaluation

A healthy Board will make the time to evaluate their own performance. This is an opportunity, just as the evaluation of the Library Director's performance is an opportunity, to celebrate what is going well and to find ways to course correct when something could be going better. The Board should evaluate themselves against the duties and responsibilities found in this Handbook as well as the library's Charter, bylaws, policies and procedures and strategic plans. Is the Board moving the library forward? Are board operations streamlined? Is there additional education or support trustees need to feel confident and comfortable in their roles as public library trustees? Plan an annual retreat or special meeting to discuss these

questions and plan your next steps at a broader level than you may have time to do in your monthly meetings. Your Board can use the sample board evaluation tools available in the *Resources* section at the end of this Chapter.

A note about board retreats and the Open Meetings Law: As per opinions issued by the Committee on Open Government, the oversight body of Open Meetings Law, *"...there is no distinction between a meeting and a work session; when a work session is held, a public body has the same obligations in terms of notice, openness, and the ability to conduct executive sessions as in the case of regular meetings. Since the Open Meetings Law applies equally to work sessions and regular meetings, confusion might be eliminated by referring to each as "meetings", rather than distinguishing them in a manner that is artificial."* However, attendance by a quorum of a board at a scheduled trustee education session at a public library system or other pre-approved trustee education provider would not fall under this law."

Recruitment of Trustees

Every library deserves a Board that reflects its community's demographics that also brings a variety of skills and perspectives to the table. Therefore, an important part of every library trustee's job is to be on the lookout for potential new board members who can help keep the library and the Board strong and move it confidently into the future.

While the trustees of all municipal, school district and special/consolidated legislative district libraries, as well as a growing number of association libraries, are elected by the public or appointed by an elected municipal body, most association libraries in New York still appoint their own board members and therefore have direct influence over the seating of new board members. However, even in an elected or appointed trustee institution, sitting trustees can help potential candidates connect with the opportunity to serve on the Board and demystify the

process to get on the ballot or to be considered for appointment. Trustees should seek out and encourage qualified candidates for open positions who can complement the Board's strengths or fill a gap in the current Board's expertise. In the case of appointed boards, it is the sitting Board's responsibility to advocate for candidates that best reflect the needs of the community.

It is essential that Board composition reflects the ethnic, racial, and cultural diversity of the community.

A clear, generic trustee job description (such as found in the earlier chapter on **Trustee Duties and Responsibilities**) should always be available for interested persons and the news media. The process by which a member of the community becomes a library trustee should also be clearly explained on the library's website.

When a potential trustee has been identified, they can be invited to Board meetings to learn more about the library's governance and provided with information, perhaps even this Handbook, to help them understand the scope of duties and responsibilities called for.

The most important qualification for a library trustee is a strong and genuine belief in public libraries and their mission in the community as centers for information, recreation, culture and lifelong education. Good library trustees are also good library patrons. A candidate must also be willing to devote appropriate time and effort to carrying out the duties and responsibilities of trusteeship. These duties will include regular attendance at board meetings, committee service and activities, visibility in the community on behalf of the library, and learning about the library and the social, legal and political context in which it exists.

Resources:

- Trustee Education Requirements [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/education.htm>

- Sample Trustee Education Policy [New York State Library]
<https://www.nysl.nysed.gov/libdev/trustees/TrusteeEducationSamplePolicy.docx>
- Diversity on Nonprofit Boards [National Council of Nonprofits]
<https://www.councilofnonprofits.org/running-nonprofit/diversity-equity-and-inclusion/diversity-nonprofit-boards>
- A Library Board’s Practical Guide To Board Self Evaluation [United for Libraries, American Library Association]
<https://www.nhlta.org/ckfinder/userfiles/files/Library%20Board%20Self%20Evaluation%20ALA%20handbook.pdf>
- Board Self-Evaluation Questionnaire [Dalhousie University]
<https://library.wyo.gov/downloads/ldo/pdf/boards/BoardEval2.pdf>
- “Evaluating the State of the Library – Board Effectiveness” [Mid-Hudson Library System]
<http://midhudson.org/topics/trustees/atb-evaluating-the-library-2/>

Webinars:

- The Board-Director Relationship, Trustee Handbook Book Club [Public Library System Directors Organization (PULSIDO)] <https://midhudson.org/trusteebookclub/>
- Board Evaluation, Helping All Trustees Succeed (HATS) [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Policies and Documents:

- Code of Ethics/Conduct
- Trustee Education Policy

CONCLUSION

Libraries are essential to our communities and to our democracy. The local public library is a focal point for intellectual curiosity and learning in every New York community. It enhances the quality of community life while providing a path to success for many. As the most credible public institution in America today, it can be a critical leader in finding community-based solutions to local issues.

The public libraries of New York State work because of dedicated volunteers willing to serve on the board of trustees. We thank you for your service and your dedication to ensuring all New Yorkers are empowered, engaged and energized by their library. The world is a better place for your efforts.

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Public and Association Libraries: A Comparison

| | ASSOCIATION LIBRARIES | PUBLIC LIBRARIES | | |
|--------------------------|---|---|--|--|
| | | Municipal Public Library | School District Public Library | Special/Consolidated District Public Library |
| How Established | By vote of association members or as trustees operating under a will or deed of trust. | By vote of county, city, town or village board; or by petition and referendum. | By vote of school district voters. | By special act of State legislature and vote of special district voters. |
| Charter | Regents incorporate by charter. | Regents incorporate by charter. | Regents incorporate by charter. | Regents incorporate by charter. |
| Registration | Education Department registers. Must meet minimum standards in order to receive public funds. | Education Department registers. Must meet minimum standards in order to receive public funds. | Education Department registers. Must meet minimum standards in order to receive public funds. | Education Department registers. Must meet minimum standards in order to receive public funds. |
| Funding | May receive appropriation from units of government; in this case, library should sign a contract with appropriating unit. May also use a tax levy approved by vote of municipal voters or school district voters. | County, city, town or village is responsible for assuring adequate funding. May also use tax levy approved by vote of municipal voters or school district voters. | Tax levy approved by school district voters. May also petition for a tax levy from municipalities in adjacent unserved areas. | Tax levy approved by district voters. May also petition for a tax levy from municipalities in adjacent unserved areas. |
| Bonding Authority | Not permitted. Requires a special act of legislation through Dormitory Authority of the State of New York (DASNY) | Municipal government may bonds. | School district may bond on behalf of library. Library may bond via special legislation with the Dormitory Authority of the State of New York if it owns the building. | Bonding authority determined by enabling legislation. |

| | ASSOCIATION LIBRARIES | Municipal Public Library | School District Public Library | Special/Consolidated District Public Library |
|------------------------------|--|--|---|---|
| Board of Trustees | Number: 5-25. Elected by association members as per library bylaws and charter. Term of office set by charter. Responsible to association membership and to Regents. Residential requirements may be established in bylaws. | Number: 5-15. Appointed by municipal governing board; term of office: three or five years if established after 1921. Responsible to municipal government, public, and Regents. Must be residents of municipality (except village library). | Number: 5-15. Elected by school district voters. Term of office: three or five years (if established after 1921). Responsible to school district voters and Regents. Must be residents of school district | Number: determined by enabling legislation. Elected by residents of special district. Term of office: five years or as defined by legislation. Responsible to special district voters and Regents. Residency requirements determined by enabling legislation. |
| Community Involvement | If allowed by the library's bylaws, public may vote for trustees. | Public "owns" library; votes for elected officials understand and respect library needs. | Public "owns" library and votes directly for trustees and tax levy. | Public "owns" library and votes directly for trustees and tax levy. |
| Retirement Benefits | May purchase retirement benefits from private vendor. Some may be in State Retirement System if specified in statute. | State Retirement System benefits through municipality. | State Retirement System benefits through school district or independently | State Retirement System benefits if library district opts to participate. |
| Civil Service | Employees not covered by Civil Service. | Employees subject to Civil Service Law | Employees subject to Civil Service Law. | Employees subject to Civil Service Law |

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights. A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](http://www.ala.org/advocacy/intfreedom/iftoolkits/ifmanual/intellectual). www.ala.org/advocacy/intfreedom/iftoolkits/ifmanual/intellectual

An Introduction to Sustainability as a Core Value

“Climate change is the single greatest threat to global health, a “code red for humanity,” and is this generation’s grandest challenge.”

-Sustainability in Libraries: A Call to Action, American Library Association

In 2019 the American Library Association (ALA) added the concept of sustainability to the list of core values for libraries. This action has its roots in New York State with the New York Library Association leading the way with its *Resolution on the Importance of Sustainable Libraries* which was passed in 2014. ALA passed their own *Resolution on the Importance of Sustainable Libraries* in 2015, building on the work of NYLA.

Sustainability was named a core value in recognition of the fact that the immediate consequences of climate change were far more dire than originally predicted, and that the world’s climate scientists have been calling for action on this front with much greater urgency than has been shown to date.

Climate change is a complex issue that is not simply about good environmental stewardship. It has deep ties to economic decisions, large and small, as well as many impacts on humans, particularly exacerbating existing inequities in our global and local societies.



ALA has adopted the “triple bottom line” conceptual framework of sustainability (shown left): “To be truly sustainable, an organization or community must embody practices that are environmentally sound AND economically feasible AND socially equitable.”

This framework calls on Boards to consider the impact of decisions they are making on behalf of the library and the community through this lens.

Budget, policy, facility, personnel, and partnership choices all intersect with this framework and a mindset of making better decisions at the nexus of our planet, our local and global communities, and our taxpayers.

For more information:

- Distinguished Seminar Series: Sustainability—A Call to Action for the Library Community, OCLC https://www.oclc.org/research/events/2023/sustainability-call-to-action-libraries.html?fbclid=IwAR3aKiTyNK0bJmFv9bl9Am5vT7TkDpY0ga_TorByQXSCaj_CnIbTRtoA-IQ
- Sustainable Libraries: Resources and Webinars for Climate Action, OCLC/WebJunction & Sustainable Libraries Initiative
<https://www.webjunction.org/news/webjunction/sustainable-libraries-resources-webinars.html>
- Sustainability in Libraries: A Call to Action, American Library Association
https://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/SustainabilityInLibraries_Briefing_Final_April2022.pdf
- Sustainable Libraries Initiative: <https://sustainablelibrariesinitiative.org/>

SAMPLE BYLAWS

The material below is presented for illustrative purposes only. Each library should adapt their bylaws to suit their particular needs and circumstances. Bylaws must align with the library's Charter and enabling legislation (if applicable).

MISSION STATEMENT

(Insert your Library's Mission Statement)

The _____ Library exists to provide quality service to the residents of _____ in an open and non-judgmental environment with free access to library materials in a variety of formats.

PREAMBLE

The Board of Trustees (hereinafter designated as the "Board") of The _____ Library, a corporation created under a charter granted under Section 253 of the New York State Education Law by the Board of Regents (or Secretary of State) of the State of New York, dated _____, shall be governed by the laws of New York State, the regulations of the Commissioner of Education and by the following bylaws.

BYLAWS

1. NAME OF ORGANIZATION

- a. The name of the organization shall be the _____ Library

2. PURPOSE

- a. The purpose of the organization is to provide quality library service to the residents, adults and children, of the communities of _____.

3. FISCAL

- a. The fiscal year of the library shall be the _____ year.

4. BOARD OF TRUSTEES

- a. The library shall be governed by a Board of Trustees. The Board shall consist of _____ members, elected for terms of _____ years each. Newly elected members will take office at the first meeting following the annual meeting. *(Insert any particular language regarding areas of representation or method of election. The number of trustees must conform with the Library's Charter, and in the case of special/consolidated district libraries, it must match both the Charter and the legislation.)*
- b. Eligibility for office shall be limited to adults residing within the geographical limits of the library's chartered service area.
- c. Absence from three consecutive meetings shall constitute automatic dismissal from the Board unless the Board defers this dismissal by majority vote. The President shall inform the absent Board Member in writing that he/she is no longer on the Board. If dismissal is deferred by Board action, the President shall inform the absent Board Member in writing the conditions of this deferral.
- d. No member shall serve for more than two consecutive three-year terms. *(Association libraries may have term limits; public libraries may not, with the exception of a few special/consolidated legislative district libraries that may. Refer to Charter for any local provisions)*
- e. Any vacancy shall be filled by special election by the remaining members of the Board for the remainder of the term of that particular position. *(Refer to Charter for local provisions).*
- f. The Board may remove a Trustee for misconduct, incapacity, neglect of duty, or refusal to carry into effect the library's educational purpose as provided in Education Law 226; subdivision 8.

- g. Each Trustee shall have one vote, irrespective of office held.
- h. A Trustee must be present at a meeting to have his/her vote counted or meet the provisions of New York State's Open Meetings Law.
- i. A majority of the whole Board (including vacancies) is required for any motion to pass.
- j. All actions of the Board shall be of the Board as a unit. No Board member shall act on behalf of the Board, on any matter, without prior approval of the Board. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the library nor, as an individual, command the services of any library employee.
- k. All trustees must comply with continuing education requirements outlined in Section 260-d of New York State Education Law.
- l. All trustees must comply with the Sexual Harassment Prevention training requirements in New York State Human Rights Law.

5. OFFICERS

- a. The officers of the Board shall be the President, Vice-President, Secretary and Treasurer, elected annually by the Board at the annual meeting. These officers shall serve for a period of one year or until their successors have been duly elected.
- b. The duties of such officers shall be as follows:
 - i. The **President** shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-

- officio voting member of all committees, and generally perform all duties associated with that office.
- ii. The **Vice President**, in the event of the absence or disability of the President, or of a vacancy in that office, shall assume and perform the duties and functions of the President.
 - iii. The **Secretary** shall keep a true and accurate record of all meetings of the Board, shall issue notice of all regular and special meetings, and shall perform such other duties as are generally associated with that office.
 - iv. The **Treasurer** (*Many public libraries must appoint/hire an independent Treasurer who is not a member of the Board. It is recommended they appoint a trustee to serve as **Finance Officer** in these cases. See chapter on Board Organization and Appendix on the Role of the Treasurer.*) shall be the disbursing officer of the Board and shall perform such duties as generally devolve upon the office. In the absence or inability of the Treasurer, his/her duties shall be performed by such other members of the Board as the Board may designate.

6. LIBRARY DIRECTOR

- a. The Board shall appoint a Library Director who shall be the chief executive officer of the library corporation and shall have charge of the administration of the library under the direction and review of the Board. The Library Director shall be responsible for the care of the buildings and equipment; for the selection, and management of the staff; for the efficiency of the library's service to the public; and for the operation of the library under the financial conditions contained in the annual budget.
- b. The Library Director shall render and submit to the Board reports and recommendations of such policies and procedures, which, in the opinion of the Library Director, will improve efficiency and quality of

library service. The Library Director shall attend all Board meetings except the portion of the meeting at which the director's appointment, salary, or performance is to be discussed or decided.

7. COMMITTEES

- a. A nominating committee shall be appointed by the President three months prior to the Annual Meeting who will present a slate of officers and names of candidates for new trustees. Additional nominations may be made from the floor.
- b. Committees for specific purposes may be appointed by the President. Such committees shall serve until the completion of the work for which they were appointed.
- c. All committees shall make a progress report to the Board at each of its meetings.
- d. No committee will have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.
- e. The President shall be, ex officio, a member of all committees, with the exception of the nominating committee.

8. MEETINGS

- a. Meetings shall be held each month, the date and hour to be set by the Board. All meetings shall be in compliance with the New York State Open Meetings Law.
- b. A special meeting of the Board may be called at any time by the President or upon the request of three members for a specific purpose. No business may be transacted at such a special meeting except the stated business. All meetings shall be in compliance with

the New York State Open Meetings Law.

- c. The Annual Meeting shall be held in _____ of each year. The business transacted at this meeting shall include the election of officers (*in the case of association libraries this would also include the election of new trustees*), the designation of the library's newspaper of record, and a confirmation of the library's banking institution(s).
- d. The operating and financial reports for the previous year shall be presented at the regular meeting in the first month of the library's fiscal year.
- e. The preliminary budget for the subsequent calendar year, required for submission to the _____ voters, shall be presented at the regular meeting in _____.
- f. The final budget for the subsequent calendar year shall be presented for approval at the regular meeting in _____.
- g. A simple majority of the whole Board (including vacancies) shall constitute a quorum for the conducting of all business. A majority of the whole Board (including vacancies) is required for any motion to pass. If a quorum is not present at a regular meeting, the attending members may set a date for another meeting to be held within one week, and the presiding officer shall notify the absent members of this specially called meeting.
- h. The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown unless circumstances make an altered order more efficient:
 - i. Call to Order and roll call of members
 - ii. Adoption of Agenda

- iii. Approval of prior Meeting Minutes
- iv. Correspondence
- v. Personnel Actions Report
- vi. Treasurer's report
 - Report of receipts and disbursements
 - Warrants
 - Presentation of projected cash flow
- vii. Director's and Department Heads' reports
- viii. Committee Reports
- ix. Old Business
- x. New Business
- xi. Period for public comment
- xii. Other Business
- xiii. Dates of future board meetings
- xiv. Adjournment

9. AMENDMENTS

- a. Amendments to these Bylaws may be proposed at any regular meeting and shall be voted upon at the next regular meeting. Written notice of the proposed amendment or amendments shall be sent to all absent members at least ten days prior to the voting session. A simple majority of the whole Board (including vacancies) shall be sufficient for adoption of an amendment.
- b. Any rule or resolution of the Board, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which two-thirds of the members of the Board shall be present and two-thirds of those present shall so approve.

10.PROCEDURE

- a. All procedures not specified herein shall be in accord with Robert's Rules of Order, Revised.

Approved by the _____ Library Board of Trustees

Dated: _____.

All public libraries in New York State are required to make their Bylaws easily accessible to the public, including posting them on the library's website. (Education Department Regulations (8 NYCRR) § 90.2)

The Role of the Public Library Treasurer

Background Information and FAQs

Also view: The Public Library Treasurer: Their Role and Legal Responsibilities [https://vimeo.com/235751061]

Though there have been recent efforts to clarify the role of the “Treasurer” in New York State public libraries, much confusion still exists. This document is intended to assist public library boards in complying with the law, understanding “best practices” and adhering to established accounting standards in order to protect their public funds.

Please Note: This document is for advisory purposes only and should not be considered legal or accounting advice. As always, consult with your Library attorney and independent auditor to determine the best policies and practices for your particular institution.

Background Information

The *Handbook for Library Trustees of New York State 2023 edition* states:

*“The office of **Treasurer** varies greatly, depending upon the library’s legal structure. **School district and most special/consolidated legislative district libraries** must appoint (hire) an independent Treasurer who is not a member of the Board. Under the provisions of Education Law § 259 (1) (a) this independent officer reports to the board and is responsible for the receipt and disbursement of tax monies after Board approval.*

Special/consolidated legislative district libraries should refer to their enabling legislation for clarification. In the case of school district libraries, the school district treasurer is required to act in this capacity unless the library board appoints its own Treasurer.

The Office of the State Comptroller has repeatedly opined that the doctrine of “incompatibility of office” applies to school district public, municipal and special/consolidated legislative district libraries (according to their enabling legislation). This is often applied to the appointment of a board member to the office of the Treasurer. In such cases, it is considered proper to appoint (hire) a paid Treasurer, independent of the Board, and appoint a trustee as the Board’s “Finance Officer” to oversee the regular audit of claims, chair the board budget committee, and otherwise serve in such a capacity.

Municipal libraries that exercise their right under Education Law §259(1)(a) to request their tax appropriations be paid over to the library are strongly advised to appoint an independent Treasurer. In the case of municipal libraries where tax funds are held, and invoices are paid by the municipality, the Treasurer of the municipality serves in this capacity....

...Association libraries are not governed by these restrictions and may appoint a trustee as Treasurer to oversee the receipt and disbursement of library funds, report to the board and otherwise fulfill the duties of Treasurer. Volunteer Treasurers are expected to carry out these duties to the best of their abilities, as any reasonable citizen would expect, and to seek guidance and advice from professionals such as public library system staff and Certified Public Accountants.”

In recent audits that focused on the functions of the Treasurer, the Office of the State Comptroller noted:

A school district public library board of trustees has the power to appoint library officers and employees, including a library treasurer. The treasurer is responsible for depositing and disbursing library funds, maintaining appropriate accounting records and providing a monthly treasurer’s report to the board. Because the typical duties of a library treasurer include the

custody and disbursement of public funds, they carry with them a high degree of public trust.

New York State Public Officers Law requires public officers to take and file an oath of office prior to performing their official duties.

[Middle Country Public Library; 2016]

Bank reconciliations should be prepared by an employee or official who is independent³ of the Library's accounting functions and does not have access to cash. Where it is not possible to segregate these duties, a supervisor, or a designated Board member, should review accounting entries and bank reconciliations on a monthly basis.

The Board should:

- 1. Ensure that bank reconciliations are performed by someone who is independent of the accounting functions.*
- 2. Designate a Board member or Library official who is independent of the accounting function to review bank reconciliations.*
- 3. Require the Treasurer to provide bank reconciliations and supporting documentation with the Treasurer's monthly report to the Board.*

[Shelter Rock Public Library; 2015]

³ An employee or official who is independent of the Library's accounting functions does not have the ability to record receipts, disbursements or journal entries in the financial system.

Frequently Asked Questions

What are the typical duties of a public library Treasurer?

The Treasurer is a separate officer of a public library corporation and is appointed by the Board of Trustees. They are required to take an Oath of Office and perform their duties as defined in state law. **Association Libraries are not covered by this**

law and may appoint a trustee to serve as Treasurer. *Special/Consolidated Library Districts are advised to refer to their enabling legislation.*

The public library Treasurer is responsible for depositing and disbursing library funds, maintaining appropriate accounting records and providing a monthly Treasurer's report to the board. Typical duties include:

- Reconciliation of bank statements
- Preparation of Monthly Report to the Board of Receipts & Disbursements
- Signing checks for payment after Board approval
- Oversight of Investments

What duties should the Treasurer not perform?

The Treasurer should be independent of the Library's accounting functions and should not have the ability to record receipts, disbursements or journal entries in the financial system.

May a Board member serve as library Treasurer?

Association Libraries may allow a Library Trustee to perform the duties of a Treasurer. Public (i.e. Municipal, School District and some Special/Consolidated District) libraries must appoint an independent Treasurer to oversee the receipt and disbursement of the public library's funds. Special/Consolidated Library Districts are advised to refer to their enabling legislation.

Public library boards are still required to provide fiscal oversight of the Library. Though a trustee may not serve as Treasurer, it is still best practice to designate a board member as "Finance Officer" or such similar title, to thoroughly review all the library financial statements and expenditures prior to the Board meeting. At every Board meeting, all trustees should review the monthly financial reports and expenditures, including the warrants/vouchers. Remember, every member of the board has a fiduciary responsibility to the community.

Is a public library Board required to appoint a Treasurer?

School District Public Libraries: The Treasurer of the local school district is required to serve as Treasurer of the school district library. However, the school district library is authorized by law to appoint their own Treasurer, should they desire. (Education Law §259.1a)

Special/Consolidated District Library: Generally Special/Consolidated District Libraries are required to appoint a Treasurer unless otherwise specified in their enabling legislation.

Municipal Library: In many cases the Treasurer of the municipality serves as the Library Treasurer. This would be typical of a municipal Library where the municipality (Village, City, Town or County) maintains control of the expenditure of Library funds. In cases where the municipality transfers control of such funds to the Library, the Board should appoint an independent Treasurer in order to fulfill its fiduciary responsibilities.

(www.osc.state.ny.us/localgov/audits/libraries/2015/walworthseely.htm)

Can the Board appoint a staff member to the position of Treasurer?

Yes, however, in order to comply with the accounting principle of “*segregation of incompatible duties*”¹ such a staff member may not:

- Have access to cash
- Record receipts or disbursements
- Record journal entries in the financial system.

What is the relationship between the Treasurer and the Director?

The Board appoints the Treasurer, as they do the Library Director. As an “officer of the Board,” the Treasurer answers directly to the Board of Trustees and serves at their pleasure. Therefore, to avoid conflict, it is “best practice” not to call on a

¹ For detailed explanation of this concept see: **Office of the New York State Comptroller. The Practice of Internal Controls. 2010. p.3:** <http://osc.state.ny.us/localgov/pubs/lgm/g/practiceinternalcontrols.pdf>

library staff member for this function but to use a community member with expertise in finance and bookkeeping practices. Generally, this is a paid position but there is no stipulation against using a community volunteer. As a Board Officer, this position is not covered by the classified/competitive sections of New York State Civil Service Law.

Who typically serves as an independent Library Treasurer? How much work is involved?

Many municipalities and special districts in New York State require a separate Treasurer. Quite often, libraries utilize the services of qualified individuals who serve in this capacity for their local fire district, water district, school district or other municipality. The job generally requires a few hours two or three days per month. The Treasurer must prepare a report of receipts and disbursements along with a statement of bank account reconciliations. The Treasurer is not required to attend the Board meeting, but certainly may do so at the pleasure of the Board.

Can the Board appoint an independent accounting firm or CPA?

According to the Office of the State Comptroller (OSC) the Library Board has the power to appoint the Treasurer, who serves as an officer of the library corporation. Recent audits have stated that the Treasurer must be an individual appointed by the Board who takes an Oath of Office.

<http://www.osc.state.ny.us/localgov/audits/libraries/2016/middlecountry.htm>

(p.4.). Therefore, it appears that to comply with current OSC opinions, it would be necessary to appoint a specific member of the selected firm to serve in the capacity of Library Treasurer.

Is an Oath of Office required for the Treasurer?

Yes. The Treasurer is an Officer of the Library Corporation and is therefore required to take an Oath of Office.

Can anyone else sign checks?

Yes. The Board may appoint an Assistant Treasurer. Please note: It is also common practice that two Board members are designated as check signers. Though we have found no specific guidance from OSC, this practice certainly complies with the principle of “segregation of incompatible duties”, unless, of course, the individual Trustees are the recipients of any such checks.

What should the Treasurer’s Report contain?

The Treasurer’s monthly Report to the Library Board should show the reconciliation of all bank statements and report actual revenues and expenditures compared to the Library budget. This summary report should not be confused with the detailed monthly line item financial report from the Library’s business office.

The Treasurer prepares a monthly report on bank reconciliations and overall revenues and expenditures. Can the Library staff prepare the detailed monthly budget report?

Yes. Under the direction of the Library Director, the Library’s business staff should prepare a monthly report on the revenues and expenditures on a line item (detailed) basis as compared with the Library’s annual budget and year-to-date expenditures and encumbrances for Board review. This should reconcile with the independent Treasurer’s summary report to the Board.

Who should open the bank statements?

The Library Treasurer must have access to the original bank statements in order to prepare the monthly Board report. This function may be delegated to staff or an independent accounting firm who do not have access to cash nor the ability to record receipts, disbursements or journal entries in the financial system www.osc.state.ny.us/localgov/audits/libraries/2015/shelterrock.htm (p.2). However, it is the Treasurer’s responsibility to oversee this process and prepare the Board report.

Must the Treasurer attend Board meetings?

No, unless required to do so by the Board. However, a Treasurer's Report must be presented at the meeting and reviewed by the Board.

Is the treasurer a voting member of the board?

No.

Must the Treasurer physically deposit, transfer and invest funds? Or may they "oversee" this function?

The Treasurer is "responsible" for such actions. Though they may not personally perform such transactions, they must be aware of and oversee the process. The principle of "*segregation of incompatible duties*" should always be considered in the handling of library assets.

Should the Treasurer be bonded?

Yes! As should other staff with the responsibility for handling public and private funds on behalf of the Library.

We are a very small library with limited staff and resources. We simply cannot afford to hire the additional staff to fully meet these requirements. What should we do?

As custodians of public funds, it is the library board's responsibility to provide fiscal oversight of the Library. Every reasonable effort should be made to comply with the guidelines provided by OSC. Where full compliance is not practical, the Board is advised to closely follow the accounting principles of "*segregation of incompatible duties*" in the handling and reporting of the Library's assets. The advice of an independent Certified Public Accountant (CPA) should be sought to assist the Board in such a situation.

For further information:

- Office of the New York State Comptroller. Local Government Links:
<http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#ic>

- The Practice of Internal Controls:
<http://osc.state.ny.us/localgov/pubs/lmgm/practiceinternalcontrols.pdf>
- Bank Reconciliations: <http://osc.state.ny.us/localgov/pubs/techbull/0403.pdf>
- Investing and Protecting Public Funds:
<http://osc.state.ny.us/localgov/pubs/lmgm/investingpublicfunds.pdf>

Regents Advisory Council on Libraries Vision Document

In the fall of 2022, the New York State Regents Advisory Council on Libraries published its *Vision* document, providing a framework for libraries that reflected the input of hundreds of library workers and supporters statewide. A road map for the future, *Vision* was created to inspire, support, and affirm the excellent work being done and codify a shared vision for libraries across New York. *Vision* is founded on the belief that libraries advance the public good, and uphold the following shared values:

Universal Access

- Libraries play an essential role in ensuring all New Yorkers have the information they need to participate in public life fully.

Equity for All

- Our libraries champion equity, diversity, and inclusion and model how to incorporate it by having collections, staffing, programming, and leadership reflect our communities.

Resilient Communities

- The success of libraries is inextricably bound to the success and growth of our communities. Libraries are part of a sustainable ecosystem, requiring active participation in and with their communities.

Passionate Advocates

- Libraries advocate for the public good through intellectual freedom, transparency, net neutrality, digital justice and inclusion, and creating equitable, inclusive organizations that welcome all experiences, talents, and perspectives.

Innovation Engines

- By strategically collaborating with stakeholders, libraries continuously evolve – learning, growing, and recalibrating services to support their communities.

Building on these values, a set of strategic priorities were developed to help libraries devote resources to ensure community resilience during an uncertain and tumultuous time.

These priorities are:

Libraries Ensure All New Yorkers Have Access to Information & the Internet

- New York libraries are dedicated to universal access, based on the idea that society benefits when everyone has an equal opportunity to leverage the power of the Internet. By focusing on solutions and working in intentional partnership with our communities, libraries can help New York achieve its vision of digital equity.

Libraries Advance Diversity, Equity, Inclusion & Belonging

- Libraries work toward equity for all by making a material difference in the lives of people who have been denied power and opportunity based on race, gender, sexuality, national origin, spoken language, and disability. We advance and model socioeconomic and racial equity policies and practices.

Libraries Are Essential to the Social Wellbeing of Communities

- As community anchors, libraries strengthen civic relationships and build social cohesion by creating a shared space, convening, and hosting critical conversations, and providing resources and programs to inform, create, entertain, and weave broad social networks. We will continue to build collaborative relationships to develop thriving, resilient, and responsive communities.

For more information about the RAC Vision document, visit <https://www.nysl.nysed.gov/libdev/rac/>

Public Library Trustee Ethics Statement

Official Statement from United for Libraries

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community.

Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity.

- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws.

- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify him/herself whenever the appearance of a conflict of interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

Signature _____ Date _____

Approved by the United for Libraries Board in January 2012

Downloadable version:

<https://www.ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/Ethics%20Statement.pdf>

Working Together: Roles & Responsibilities Guidelines

| | Library Director | Trustees | Friends |
|-------------------------------|--|---|--|
| General Administrative | Direct responsibility for administration of the library within the framework of the board's plan, policies, and budget. Reports at each board meeting and keeps the board informed of the library's progress and problems. | Recruit and employ a qualified library director; maintain an ongoing evaluation process for the director. Routinely keep in touch with what is going on through director's reports, personal use of the library and feedback from the public. | Support quality library service in the community through fundraising, volunteerism and serving as advocates for the library. |
| Policy | Apprise the board of the need for new policies as well as policy revisions. Implement the policies of the library as adopted by the board. | Identify and adopt written policies to govern the internal and external operations of the library. | Support the policies of the library as adopted by the library board. |
| Planning | Coordinate and implement a community-based strategic plan with the library board, Friends, staff, and community. | Ensure that the library has a community-based strategic plan with implementation and evaluation components. | Provide input into the library's strategic plan and support its implementation. |
| Fiscal | Prepare an annual budget for the library in consultation with the board; make the Friends aware of the special financial needs of the library. Decide on use of money based on the approved budget. | Secure adequate funds to carry out library operations. Assist in the preparation and presentation of the annual budget. Authorize expenditures in accordance with the budget. | Conduct fundraising to support the library's mission and plans. |

| | | | |
|-------------------|---|---|--|
| Advocacy | Promote the mission of the library within the community. Educate the library board, Friends and community regarding local, state, and federal issues that impact the library. | Promote the mission of the library within the community and in society in general. | Promote the mission of the library within the community. Advocate for the library to legislators. Advocate for the passage of the library's budget vote. |
| Meetings | Participate in library board, board committee, and Friends meetings. Ensure that there is a liaison from the board to the Friends and vice versa. | Participate in all board meetings and assigned committee meetings. Follow Open Meetings Law. Appoint a liaison to the Friends Board and become a member of the Friends. | Maintain a liaison to the library board. Include the library director and board liaison in Friends meetings. |
| Networking | Encourage trustees and Friends to join state and national professional organizations and make them aware of educational opportunities. | Join the Library Trustees Association Section of the New York Library Association (NYLA) and United for Libraries (ALA). Attend continuing education sessions at the public library system. | Join Friends of Libraries Section (NYLA) and United for Libraries (ALA). Attend continuing education sessions at the public library system. |
| | Library Director | Trustees | Friends |

Adapted from Working Together: Roles and Responsibilities Guidelines developed by the Connecticut State Library, Connecticut Library Association, Association of Connecticut Library Boards, and Friends of Connecticut Libraries and the Handbook for New Public Library Directors in New York State.

Hiring a Library Director

During your tenure as a library trustee, you may be involved with the search process for a new director. If this is the case, here is some advice to help you construct a strong search that can help you hire the best possible candidate for your library.

Hiring Plan

Once a director vacancy is on the horizon the board should act quickly to ensure that this important role is filled by developing a hiring plan:

- You may need to appoint an interim or acting director to bridge a gap, this should be done fairly and transparently. Public library Boards will need to consult with their local Civil Service Commission to appoint an interim or acting director. In no case should this be a Library Board member unless the qualified board member resigns from the board to take on this role.
- Your Board must comply with the minimum education qualifications required as per Education Department Regulations (8 NYCRR) § 90.8 both for the hiring of a new director and the appointment of an interim or acting director:

Minimum Education Requirements

| Chartered Population | Education Qualification |
|----------------------|--|
| 2,500 - 4,999 | Two years of college study |
| 5,000 - 7,499 | Bachelor's degree |
| 7,500 or more | Master's degree in Library Science (MLS) and NYS public librarian's professional certificate |

- As a Board, it is critical to clearly establish and prioritize the talents, skills and experience you believe your next CEO should have in order to lead your

Library into the future. This must be your basis for evaluating applicants going forward. Each step in the process- application, resume review and interview, should be evaluated through this prism.

- Next a search committee should be appointed, their charge made clear, a budget established, and a timeline established with check-in points for reports to the board. This committee will be made up of trustees and may include a representative from the staff or Friends of the Library. Committee members need to attend all committee meetings and be a part of all steps of this process. Just like all committees of the Board, this group will make a recommendation to the board, it is not empowered to hire a director on its own.

- The search committee should then:
 - Review the job description to ensure it is up-to-date and reflects the current job responsibilities.

 - Review the salary and benefits package to ensure it is competitive. Committees are encouraged to compare the libraries package not just against area libraries, but also against other nonprofit and educational institutions' salary and benefit offerings. If a gap exists, the search committee should notify the Library Board to inform them and recommend an improvement to the salary and benefits package for the Library to ensure you can attract top candidates to the position. Public Library Boards please note: Civil Service does not dictate salaries for positions.

 - Either reach out to the local Civil Service Commission (public libraries) or develop an advertising plan for the position (association libraries). (There is an introduction to Civil Service in the next section of the appendix.) Timely advertising of an opportunity is key. This

minimizes disruption for the staff, board, and ultimately, the public.

- Prepare an information package for applicants. This can include the Library’s vision, mission, and values statements, the Library’s long-range plan, personnel handbook and a history of the library. Remember, it is not just the candidate that needs to “sell” themselves to you, the Library also has to be an authentically good employer to be attractive to top candidates.
 - A review of applicants, interviews, and reference checks will be conducted by the search committee. This process can be customized to your Library and may involve multiple rounds of interviews, including interviews or events with groups beyond the search committee. For example, the candidates may be asked to give a public presentation to the staff and Board. The full Board may participate in the interviews with the finalists for the position. However, each candidate should be subject to the same review process. This process should be fair, equitable, and transparent.
 - The search committee should document their process and retain records of the interview process.
- Ultimately the Board approves the appointment of a new Director once they have considered the recommendation of the search committee.

Where to Advertise

Public Library Boards will need to reach out to their local Civil Service Commission to discuss the process. This position will most likely fall into the competitive class² Your process will then follow this pattern:

² Given the variations in the state, it is critical that the Board President or Chair of the Board’s Search Committee call their local Civil Service Commission and establish an open line of communication to ensure a Board is on the right side of the law in their efforts to hire a new Library Director.

- Candidates must meet the minimum qualifications for the position by having a passing score and be “reachable” on an eligible list. (See “Rule of Three” in the *Civil Service 101 Appendix* below.) Candidates that are reachable must respond positively to a canvass letter.
- The board must select a new director from the pool of available candidates identified through the canvassing process. The board should use an interview process and use any legal selection criteria amongst those deemed eligible to make their selection.
- Once a selection has been made, the candidate of choice must be appointed “from the list.”
- The person selected must complete a probationary period. The length of this probationary period is determined by the local Civil Service Commission.
- It may be possible to expand the candidate pool using additional hiring methods such as reinstatement or transfer. You are strongly encouraged to discuss this with the local Civil Service Commission before considering these options.

Association libraries not tied to the civil service process will need to advertise widely for candidates. Your public library system will be able to provide guidance and help to get the word out regionally. Posts to NYLINE (<https://www.nysl.nysed.gov/libdev/nyline.htm>), the New York Library Association’s JOBLine service (<https://www.nyla.org/jobline/>), and through your regional library council (<https://www.esln.org/jobs/>) should ensure your job is findable by candidates in New York and many surrounding states.

For Library Director roles in larger libraries, the Board may cast a wider net and advertise nationally. Outlets at this level usually have a posting fee, so hiring budgets should take this into consideration. Common outlets to get the word out

at that level include the American Library Association's JobLIST (<https://joblist.ala.org/>), LibGig (<https://www.libgig.com/post-a-job/>) and INALJ (https://inalj.com/?page_id=79649).

Libraries can also hire a search consultant to help guide your search and to leverage their networks to find quality candidates for your search. Check with your public library system for leads on potential executive search consultants.

Check out the North Country Library System's **Succession Planning Toolkit** (https://ncls.libguides.com/ld.php?content_id=70266551) for advice on:

- Interview Questions
- Reference Checks
- Appointment Letters
- Sample Contract
- Sample Letters to Applicants
- Orientation of a New Director

Civil Service 101 for Public Library Trustees

Three of the four types of public libraries fall under New York State Civil Service Law:

- Municipal Public Libraries
- School District Public Libraries
- Special/Consolidated District Public Libraries

****Association libraries do not fall under Civil Service Law***

What is Civil Service?

Civil Service governs the hiring, promotion and termination of employees. Under New York State Civil Service Law, “appointments and promotions... shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive...”

What is the point of Civil Service?

- Test for merit and fitness in an objective way.
- Encourage promotion from within.
- Provide career ladders for employees.

Who administers Civil Service?

Civil Service is administered by “Commissions or Commissioners” that are geographically located throughout New York State. Each has authority over those practices of institutions within its service area. These are commonly county based though in cities there may be a Civil Service Commission specific to that city.

What is the Board’s responsibility as it relates to Civil Service?

As noted in the Trustee Handbook, Education Law §226(7) specifies that all personnel actions must be approved by the Board at a legal meeting. This does not suggest that the Board selects staff other than the director. It does mean that

the Board creates all positions, establishes salaries and formally appoints the staff upon the recommendation of the director. In other words, ***the Director selects, the Board appoints***. This requires that a Board ensure all appointments are made legally in the eyes of Civil Service laws and procedures. When hiring a Library Director, a designated spokesperson from the board will be dealing directly with the local Civil Service Commission, but for all other positions, the Library Director or designated staff person will be the liaison.

Does Civil Service dictate the salaries a board may approve for staff?

No.

What are the “classes” of positions?

New York State Civil Service has established the following “classes”:

- **Unclassified Service:** This class of job positions encompasses largely elected and appointed positions, heads of government agencies, teachers, employees of the legislature and a few others.
- **Classified Service:** This class of job positions is broken down into 4 additional categories of job classes: competitive, non-competitive, exempt and labor.
 - **Competitive Positions:** These are positions that require examination. Holders of these titles have due process protection regarding disciplinary actions under Civil Service Law §75.
 - **Exempt Positions:** These are positions for which competitive or non-competitive examinations or other qualification requirements are not practical and in which the incumbent serves at the pleasure of his/her appointing authority. Library Treasurer and Clerk to the Board are two examples.

- Labor Positions: These are positions in which the incumbent is mainly engaged in manual labor. Cleaner, Van Driver and Page are examples.
- Non-Competitive Positions: These are positions that are not in the exempt class or the labor class and for which examination has been determined to not be practicable. Library titles include Story Teller and Library Aide.

Is there a residency requirement for candidates to be eligible?

Possibly. You will need to check with your local Civil Service Commission.

What is the “Rule of Three” or the “Rule of One of Three”?

The implementation of the rule of three is a common source of confusion for candidates, administrators, and anyone responsible for hiring under civil service rules.

In summary, an appointing authority may select from among those candidates whose score/rating in the examination is equal to or higher than the score/rating of the third highest ranking candidate on the list.

This seems simple but can be quite complicated in practice. The size of the candidate pool is dynamic and is likely to change based on the responses of the candidates based on a letter soliciting interest in the position (canvass letter).

Please contact your local Civil Service Commission for questions about the implementation of the Rule of Three.

What job protections are offered to employees under Civil Service Law in New York?

Section 75 of the Civil Service Law provides due process in removal and other disciplinary actions to every post-probationary permanent employee. Due process will include a hearing at which the employee must be proved guilty of misconduct

or incompetence. Library collective bargaining agreements may modify these procedures.

Do all Library Director positions fall under Civil Service?

Public Library Directors all fall under Civil Service regulations. But there are significant variations throughout the state. Library Directors are “classified” differently by each of the over 100 civil service jurisdictions in New York and so it is critical for each Library Board to reach out to their local Civil Service Commission and follow the appropriate procedures in place.

What if there is no eligible list?

If there is no eligible list to hire from, a library’s **first** step will be to contact the local Civil Service Commission to find out when the next exam will be offered to gauge the timeframe for your process.

- **If an appropriate examination will be offered within an acceptable time span** to meet your needs, advertise the exam opportunity along with your job opening to encourage candidates to become eligible.
- **If an exam will not be offered within an acceptable time span** you can provisionally appoint a qualified candidate of your choice with the understanding that once the exam is offered this person must take the exam and score high enough to be reachable to keep their job.

Please note: The exam for directors is not a traditional “exam” as you may envision it. It is generally a “training and experience” exam that asks questions about a candidate’s education and experience relevant to the job specifications.

A word about Library Director position classifications:

- Most Library Director positions are **Competitive** and require a training and experience examination administered by Civil Service and follow standard testing and hiring rules. Your board will need the assistance of the local Civil

Service Commission to identify eligible candidates and for advice along the way in case there are not enough eligible candidates on the Civil Service List.

- There are cases in New York State where Library Director positions have been classified as **Non-Competitive** or **Exempt** under Civil Service law and have different hiring procedures. Please work closely with the local Civil Service Commission in these cases.

For more information:

- *“A Library Worker’s Guide to Civil Service in New York State,”* New York Library Association. <https://www.nyla.org/a-librarians-guide-to-civil-service-in-nys-2018/>
- *“Field Guide for Libraries Subject to Civil Service,”* New York Library Association. <https://www.nyla.org/civil-service-guide/>
- New York State Department of Civil Service.
<https://www.cs.ny.gov/commission/>

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PILOT Payments: A Primer for Public Libraries

Introduction

New York State law, similar to most other states, provides a variety of mechanisms for taxing jurisdictions such as counties, towns, and school districts to receive payments for government services from otherwise tax-exempt entities. These payments in lieu of taxes - commonly referred to as "PILOTS" - are often the result of individual negotiations between the lead taxing jurisdiction and the tax-exempt organization. Such arrangements may vary greatly in detail from one situation and region to the next. Quite often public libraries have been overlooked in such negotiations or, in some cases, do not receive funds meant to be passed through to them by another taxing jurisdiction.

Types of PILOT arrangements

One of the most common types of PILOT programs is between the federal government and local governments to lessen the impact of the cost of services provided to a federal institution. Ironically, state institutions, such as SUNY, often make little or no payments to local jurisdictions, though they may require significant services such as fire protection and educational services for the families living in on-campus graduate housing.

Several special types of facilities are also exempt from real estate taxes, including airports, nuclear generating facilities and other public service facilities governed by governmentally established authorities. However, the owner or public authority holding title to these facilities is required to make PILOTs to local jurisdictions based on the taxable value of the property prior to the granting of the tax exemption. Likewise, businesses located on these properties, particularly within an airport, are also liable for such payments. Although these properties are no longer considered on the tax rolls, such PILOTs can make up a substantial revenue stream for the local taxing jurisdictions.

Industrial Development Agencies

PILOT payments negotiated through Industrial Development Agencies (IDAs) in New York are particularly troublesome for libraries. The practice of enticing new businesses or encouraging the expansion of existing corporate or industrial facilities to a locality through tax incentives is widespread throughout the country. Authorization for PILOT agreements by NYS IDAs is found in NYS General Municipal Law Section 874.

There are a variety of tax abatement strategies used by local governments to reduce the tax impact of the construction or expansion of corporate or industrial facilities. The theory behind this strategy is that the jobs created by this business' expansion will more than offset the loss of additional real estate taxes in the short term. A common methodology is the establishment of tax-exempt Industrial Development Agencies (IDAs) by local governments. These IDAs are permitted to sell tax-exempt municipal bonds on behalf of commercial enterprises within the area they serve.

In effect, the IDA then becomes the mortgage holder for the improved property and, as a governmental authority, is exempt from real property taxes on the improvements. This law allows a local IDA to finance eligible projects and determine a schedule of payments "in lieu" of the exempted taxes to the various taxing jurisdictions affected by the exemption. The business is required to pay a percentage of the true tax burden with a set increase each year until the tax levy is met and the bonds are repaid. The increased value of the property in question is not reflected on the tax rolls during this period. Typically, such exemptions may last for ten years, with the tax exemption decreasing each year while the PILOT payments "make up" the loss in tax revenue to the various districts. At that point, the property becomes fully assessed and taxable and PILOT payments cease. Public library districts with a tax levy in place when the exemption is first granted would generally be eligible for such payments.

The additional payments made during this period of tax abatement to public entities are considered PILOTs and are paid outside the normal tax revenue

stream to the eligible institutions. The receipt of PILOT payments is calculated within the library's annual tax cap formula.

Although many public libraries in New York State derive their primary funding from local real estate taxes, many of them are not aware of, nor fully share, in the benefit of PILOT payments. This appears to be especially true in the case of economic development initiatives provided to corporations by IDAs. This, in spite of the fact that such PILOTs may, indeed, have been collected on the library's behalf. Even though library taxes are normally considered in the calculation of PILOT payments, the payment procedure varies by each IDA. Some IDAs send the appropriate payments directly to the affected libraries. Many, however, send the "library" payments to the local school district or municipality and leave it to the taxing jurisdiction to pass along the payment. Historically this has resulted in significant inconsistency regarding the receipt of PILOT payments by public and association libraries throughout the state.

Issues by Library Type

School and Special District/Consolidated Public Libraries are clearly eligible by law for their appropriate PILOT payments within their taxing jurisdiction. They are advised to become aware of any and all such agreements in their service area.

Association Libraries are treated differently by region. They are not "taxing jurisdictions" as specified in law, yet commonly the "library tax" as assessed by the school district or municipality is used to determine the amount of the PILOT payment. The recognition of this fact varies throughout the state.

Municipal Libraries are generally treated as a department within the Village, Town, or County and, with some exceptions, do not receive PILOT payments.

Conclusion

All public libraries should investigate the economic development tax incentive programs at work in their region. If library officials were not included in the process for tax abatements regarding these initiatives, they would be well advised to determine their legal standing and seek to become an active participant. Every effort should also be made to track any PILOT agreements in the region to determine the library's rights to such funding and to insist that library services are an essential public service worthy of consideration in the negotiation of PILOT agreements.

If you believe your Library may be eligible for PILOT payments in your service area:

- Research state and local laws regarding tax exemption incentives for industrial and commercial development.
- Determine the existence of any state or federal institution within the library's service boundaries and request information from the appropriate taxing jurisdiction regarding PILOT payment agreements.
- Contact county, town, and other regional municipalities for information on economic development programs.
- Request information from regional municipalities on economic development tax exemption programs in your Library's jurisdiction. It may be necessary to file Freedom of Information (FOIL) requests to obtain this information. Be certain to request historical information on such programs. IDAs are now required to provide current project information on their website.
- If it is determined that other taxing authorities (schools, villages, towns, etc.) in the library's jurisdiction are receiving PILOT payments, request a copy of the contract agreement to determine if the library's tax

appropriation has been considered in the PILOT payment calculations.

- If it is determined that the library should have been eligible for past PILOT payments contact knowledgeable legal counsel and attempt to negotiate a reasonable settlement for all parties.
- Make every effort to ensure the library is included in all future PILOT agreements.

Excerpts from: *“PILOT Payments: a potential revenue source for public libraries.”* Jerry Nichols.
Bottom Line: Managing Library Finances; Volume 18, Number 4, 2005.

<https://www.nyla.org/images/nyla/files/JLAMSspring07wg.pdf>

Sample Planning Process Outline

This five-step planning process helps a board identify long-range and strategic goals based on community needs.

1. Develop a board vision.

Have a frank conversation at a special planning meeting to discuss your hopes, dreams and concerns for the future of the library and the community. Understanding where everyone is coming from and finding the commonalities amongst yourselves will help as you move forward in this process. The next steps in the process will help test the board's perceptions and create a unified board vision; but if you don't have this conversation first, it will be difficult to work as a group once the findings are in.

2. Assessment.

Identify local usage trends through library circulation, program and technology usage data. Are there things the community is looking for that you are not or unable to provide at this time? Are there things the community clearly wants more of? Less of? Comparing the library to others with similar budgets or service populations can be a useful planning activity to benchmark capacity. The New York State Library provides a compilation of financial and service statistics through its website at: <http://www.nysl.nysed.gov/libdev/libs/index.html#Statistics>. Here you can find recent and historical data for all public libraries in the nation.

3. Gather input from your community.

Talk to your community and listen to what they have to say. Do not skip this step, it is absolutely critical to the future success of your library. Use a combination of focus groups, community conversations, interviews with community leaders, and surveys to get a broad amount of input, from both library users and non-users. This will help the board to identify community trends, aspirations and priorities in your community. Do not ask them what the library should be doing, that is your job and the job of your library director and staff to determine. What you should be talking to them about is what they are experts in. Ask about their vision for the future of

their family and neighbors in the community you serve. To fully comply with New York State Minimum Public Library Standards, the board must periodically seek community input in the development and evaluation of its service program. The library director or library system will be able to offer strategies for the effective use of focus groups, community conversations, and community surveys. Your library may find the American Library Association's Libraries Transforming Communities initiative' Turning Outward resources (<http://www.ala.org/transforminglibraries/libraries-transforming-communities>) a good fit to use during this process with your community.

4. Analyze what you have learned.

Examine the assessment and community input information. Then use a “SOAR” analysis to identify the library’s strengths, opportunities, aspirations, and results. This will help your organization to focus on current strengths and a vision for the future of developing your strategic goals. The basic questions to be answered are:

- What are our greatest strengths?
- What are our best opportunities to help our community reach their aspirations?
- What is our preferred future?
- What are the measurable results that will tell us we’ve achieved that vision of the future?

5. Assess your library’s capacity.

Using the lens of the strategic goals developed in step four, examine your library’s ability to move forward in the direction you have set. Keep in mind, the library does not need to adopt projects and objectives for all of the opinions gathered during this process. Focus on the items that are essential to library success. To help specify the goals in your plan, consider the areas of:

- Personnel
- Finance
- Facility
- Policy
- Partnerships
- Governance
- Marketing & Public Relations
- Measurement & Evaluation

Through these five steps, your board and staff will have the information you need to create and write a solid plan for the future of the library.

Recommended Policies Checklist:

External

Circulation

- Customer Service
 - Law Enforcement Inquiry
- Lending Rules
 - Non-Resident Borrowing
- Patron Confidentiality

Collection

- Collection Development (should address curation of print, media, digital and Library of Things collections)
 - Request for Reconsideration
 - Weeding
- Copier/Copyright
- Freedom to Read (ALA)
- Freedom to View (ALA)
- Library Bill of Rights (ALA)
- Local History

Public Space

- Accessibility/ADA Statement
- Exhibit/Posting
 - Request for Reconsideration
- Incident Report Form
- Meeting Space
- Patron Behavior/Code of Conduct
 - Request for Reconsideration
- Patron Complaints
- Programming
 - Request for Reconsideration
- Tutoring
- Unattended Children
- Vulnerable Adults

Technology

- Internet Use
- Library Equipment Usage
- Privacy
 - General Data Protection Regulation
- Social Media
- Website
- Wi-Fi Network Use

Internal

Board

- Code of Ethics/Conduct
- Conflict of Interest
 - Annual Disclosure Form
- Equity, Diversity, and Inclusion Statement
- Meeting Procedures
 - Public Comment
 - Videoconferencing
 - Protests
- Training Mandates:
 - Trustee Education Requirement
 - Sexual Harassment Prevention Training
- Removal of a Trustee

Administrative

- Inclement Weather/Closing
- Records Retention
- Public Access to Records (FOIL)
- Public Relations
 - Crisis Communication Plan
- Sustainability

Financial Controls

- Audit/Review Schedule
- Claims Audit Process
- Credit Card
- Data Security
- Disposition of Surplus Property
- Friends Group Memo of Understanding
- Fundraising/Gift Acceptance
- Inventory/Fixed Assets
- Investments
- Online Banking & Wire Transfers
- Petty Cash
- Purchasing/Procurement
- Reserve Funds
- Travel & Conference

Personnel

- Anti-Bullying
- Anti-Nepotism
- Attendance/Leave
- Code of Conduct
- Computer/Internet/Email/Social Media Use
- Conflict of Interest
- Continuing Education
- Discipline/Termination
- Equal Employment Opportunity
- Evaluation Procedure
- Grievance Procedure
- Introductory Period
- Jury Duty
- Orientation
- Outside Employment
- Personnel Records Access

- Recruitment/Hiring
- Salary/Benefits
- Sexual Harassment Prevention
- Volunteers
- Whistleblower Protection

Safety

- Airborne Infections Disease Exposure Prevention Plan / Pandemic Response Plan
- Continuity of Operations Plan (COOP)
- Disaster Preparedness Plan
- Emergency Action Plan
- Incident Action Plan
- Workplace Safety/Violence Prevention

This Policy Checklist is offered as a guideline of typical public library policies. Though terminology may vary, every library board is required to adopt appropriate policies for their institution (8 NYCRR § 90.2).

For helpful information on developing policies, libraries are encouraged to contact their public library system.

In addition: Mid-Hudson Library System: Public Library Policies - Development Tips & Samples <http://midhudson.org/topics/director-resources/policies/>

Public Library Glossary

This glossary presents a brief list of words and acronyms commonly used in public libraries in New York State.

3 R's: New York's nine Reference and Research Library Resources Councils. See also: Empire State Library Network (ESLN)

Chapter 414 of the Laws of 1995: (municipal ballot option): State law that allows for voter funding initiatives for both association and public libraries. [Education Law §259(1)(b)].

ADA (Americans with Disabilities Act): The ADA, considered to be the most comprehensive civil rights legislation since the Civil Rights Act of 1964, prohibits discrimination on the basis of disability in employment, state and local government services, public accommodations, commercial facilities, transportation and telecommunications. [Americans with Disabilities Act of 1990, Pub. L. No. 101-336]

ALA: American Library Association.

BIBFRAME (Bibliographic Framework): This is a data model for bibliographic description designed to replace the MARC standard.

BOCES: Boards of Cooperative Education Services.

Broadband: A general term referring to high-speed telecommunications connections regardless of the medium (fiber optic, wire, cable or wireless) utilized.

Bullet Aid: Direct library funding, in addition to the basic state aid amounts approved as part of the NYS budget, which does not flow through traditional state aid formulas. Also known as: special legislative grants and earmarks.

Capital Funds: Funds for the acquisition of, or addition to, fixed assets such as buildings or major equipment. Often kept separate from annual operating funds.

Cataloging: The process of describing an item in a library collection and assigning it a classification (call) number.

Central Library Services Program: State program to fund services in each public library system to enhance access to reference resources for the people of that region (formerly Central Library Development Aid and Central Book Aid).

Charter: A permanent incorporation document issued by the New York State Board of Regents indicating a library has met state standards and fulfilled the registration requirements. Typically, libraries may apply for an Absolute Charter to replace a Provisional Charter when the trustees of an institution are satisfied that the institution is educationally sound, financially stable, and capable of relative permanence (§3.21 of the Rules of the Regents).

CIPA (Children’s Internet Protection Act): A federal law governing Internet access in schools and libraries. Compliance with CIPA is mandatory for eligibility for most e-rate subsidies and LSTA funding. [Children’s Internet Protection Act of 2000, Pub. L. No. 106-554]

Circulation: The process of lending library materials.

Committee on Open Government: The New York State Committee on Open Government oversees and advises the government, public, and news media on Freedom of Information, Open Meetings, and Personal Privacy Protection Laws. The Committee offers guidance in response to phone inquiries, prepares written legal advisory opinions, and provides training to government and other interested groups.

Core Values of Librarianship: The foundation of modern librarianship rests on an essential set of core values which define, inform, and guide all professional practice. These values reflect the history and ongoing development of the profession and have been advanced, expanded, and refined by the American Library Association.

Digital Equity: A condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy. Digital equity is necessary for civic and cultural participation, employment, lifelong learning, and access to essential services.

Digital Inclusion: The activities necessary to ensure that all individuals and communities, including the most disadvantaged, have access to and use of Information and Communication Technologies (ICTs). This includes five elements:

- Affordable, robust broadband internet service;
- Internet-enabled devices that meet the needs of the user;
- Access to digital literacy training;
- Quality technical support; and
- Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

Digital Literacy: The ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills.

DLD (Division of Library Development): DLD is the division of the New York State Library within the State Education Department responsible for statewide library services and for the oversight of library funding and compliance with related State laws and Commissioner's Regulations.

DPLA: Digital Public Library of America.

DRM (Digital Rights Management): DRM technology is used by hardware and software manufacturers, publishers and copyright holders with the intent to control the use of digital content and devices.

Diversity: Includes but is not limited to race, color, ethnicity, nationality, religion, socioeconomic status, veteran status, education, marital status, language, age, gender, gender expression, gender identity, sexual orientation, mental or physical ability, genetic information, and learning styles.

e-book: The electronic version of a print book or a book that is only available online.

Education Law §259.1: State law that determines tax support for libraries.

E-Rate: Federal program that provides discounts to libraries and schools for commercially available telecommunications services, Internet connectivity and internal connections.

Freedom of Information Law (FOIL): A New York State Law that defines the public's right to gain access to government records.

Equity: The guarantee of fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.

The Empire State Library Network (ESLN): The statewide association of Regional Library Council and Directors.

Free Direct Access: The ability to borrow library materials in person from a public library outside your community. This policy, in accordance with Commissioner's Regulations §90.3, is aimed at ensuring the broadest possible access to information by all New Yorkers, regardless of circumstance.

Friends of Libraries Section (FLS): Section of the New York Library Association that supports library Friends Groups.

General Data Protection Regulation (GDPR): This is a European Union law that can impact US libraries' protection and privacy for patrons who may live both in the US and Europe. For more information: <https://gdpr.eu/compliance-checklist-us-companies/>

ILL (Interlibrary Loan): Interlibrary Loan is when one library lends materials to another library for its patron's use.

IMLS (Institute of Museum and Library Services): An independent federal grant-making agency dedicated to creating and sustaining a nation of learners by helping libraries and museums serve their communities.

ILS (Integrated Library System) / ILP (Integrated Library Platform): Integrated library (automation) systems provide libraries with a variety of integrated computerized functions – cataloging, circulation, online catalog, acquisitions, serials control and electronic resource management.

Inclusion: Authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources.

ISBN, International Standard Book Number: serial number assigned to books.

ISSN, International Standard Serial Number: serial number assigned to magazines/periodicals.

LC (Library of Congress): The national library of the United States.

LTA (Library Trustees Association Section): New York's statewide association for library boards and trustees.

LLSA (Local Library Services Aid): The New York State aid program for local public libraries. Funds are distributed through the public library systems.

LSTA (Library Services and Technology Act): A long standing federal library aid program for libraries. Funds are used to support national initiatives through support of state programs and grants to libraries and library systems on a competitive basis.

MARC (MACHine Readable Cataloging): MARC is a format for storing the bibliographic description of a book, serial, video, etc. on a computer. The MARC format is an international standard used by most libraries and library computer software vendors.

Minimum Standards: All public and association libraries in New York State must meet minimum standards according to Education Commissioner's Regulations. These standards support improved public library services for the People of New York and must be met at the time of application for a library Charter or registration. Education Law requires that a library be chartered and registered in order to legally receive local and State funds.

Mission Statement: A short statement of an organization's purpose, identifying the scope of its operations; what kind of product or service it provides; its primary customers or market; and its geographic region of operation.

National Library Service for the Blind and Physically Handicapped (NLS): A federal program through the Library of Congress that provides recorded digital books for the blind and those with physical disabilities.

Net Neutrality: The principle that internet service providers must treat all data on the internet the same, and not discriminate or charge differently by user, content, platform, website, application, type of attached equipment or method of communication.

Nonprofit Revitalization Act: An update to Not-for-Profit Corporation Law in New York State that went into effect in 2014.

NOVELNY (New York Online Virtual Electronic Library): A statewide program of the New York State Library that provides free public access to commercial databases and other electronic resources.

NYLA (New York Library Association): New York's statewide library association.

NYALS (New York Alliance of Library Systems): A coalition of public, school and 3Rs Systems in New York.

NYLINE: New York's Libraries Information Network listserv operated by the New York State Library. <http://www.nysl.nysed.gov/libdev/nyline.htm>

NYSL/NYS Library (New York State Library): NYS Library is a program office within the State Education Department responsible for the regulatory oversight of libraries in New York. NYS Library allocates State funding to libraries, oversees library registration and chartering, and provides assistance to libraries across the state. NYS Library operates the Regent Joseph E. Bowman Jr. Research Library, the NYS Talking Books and Braille Library, and the Division of Library Development.

OCLC: OCLC is a bibliographic utility used by nearly 27,000 libraries, archives and museums in 86 countries.

OGS (Office of General Services): Administers New York State procurement contracts for goods, services and technology.

OPAC (Online Public Access Catalog): A computerized catalog, which can be searched, edited and updated online. Many OPACS are now simply one module of an integrated library system.

Open Meetings Law (OML): A New York State law that assures the public's right to attend meetings of public bodies, listen to debate and watch the decision-making process.

OSC (Office of the State Comptroller): The State's chief fiscal officer who ensures that local governments, including public libraries, use taxpayer money effectively and efficiently.

PILOT Payments (Payment in lieu of taxes): Payments granted to schools and libraries by regional authorities in exchange for real estate tax relief for the expansion of local businesses.

PLA (Public Library Association): A division of the American Library Association.

PLS: This can refer to either a Public Library System or the Public Library Section of the New York Library Association.

Provisional Charter: The initial incorporation document granted to a public library by the Board of Regents. Provisional Charters are issued for five years. A library with a provisional Charter may apply for an absolute (permanent) Charter after meeting state standards and fulfilling registration requirements.

PULISDO (Public Library System Directors Organization of New York State): The statewide association of Public Library System Directors.

Reference and Research Library Resources Councils: See 3Rs.

Regents: The Board of Regents of the University of the State of New York's responsibilities include chartering libraries and schools; appointing the Commissioner of Education; and oversight of all educational and cultural institutions.

RAC (Regents Advisory Council on Libraries): A standing advisory committee appointed by the Regents to review and advise the Board of Regents and NYS Library staff on library issues and concerns.

Real Property Tax Cap: With some exceptions, the New York State Real Property Tax Cap limits the amount local government (including libraries) and most school districts can increase property taxes by two percent or the rate of inflation, whichever is less. For more information: <https://www.osc.state.ny.us/local-government/property-tax-cap>

RFID (Radio-frequency Identification): A technology used to automate the handling of library materials.

Registration: The process by which libraries demonstrate compliance with Commissioner's Regulation 90.2. (Minimum Standards). A library must maintain its registration to collect local and state public funds.

SED/NYSED (State Education Department): The state agency responsible for educational services, including libraries.

SLS (School Library Systems): These 40 organizations exist in the BOCES and Big Five cities to promote resource sharing and library development in school libraries.

SLSA (School Library Systems Association, Inc.): The statewide organization for School Library System Directors.

State Aid: Education Law Article 5 includes provisions for state funding for libraries and library systems.

State Aid for Library Construction: Funds from an appropriation in capital aid for public library construction in the State Budget can provide matching funds for approved costs of broadband installation and in acquisition, construction,

renovation, or rehabilitation of public libraries or public library system headquarters. (Education Law §273-a).

STEM: Science, Technology, Engineering & Math (aka STEAM: science, technology, engineering, art & math).

TBBL: The New York State Library Talking Book and Braille Library.
<http://www.nysl.nysed.gov/tbbl>

TDD/TTY: Telecommunications devices for the hearing impaired.

Triple Bottom Line (TBL): The adopted definition of sustainability by the American Library Association and Sustainable Libraries Initiative which seeks balance among environmental stewardship (caring for the planet), social equity (caring for people), and economic feasibility (being good stewards of community funds).

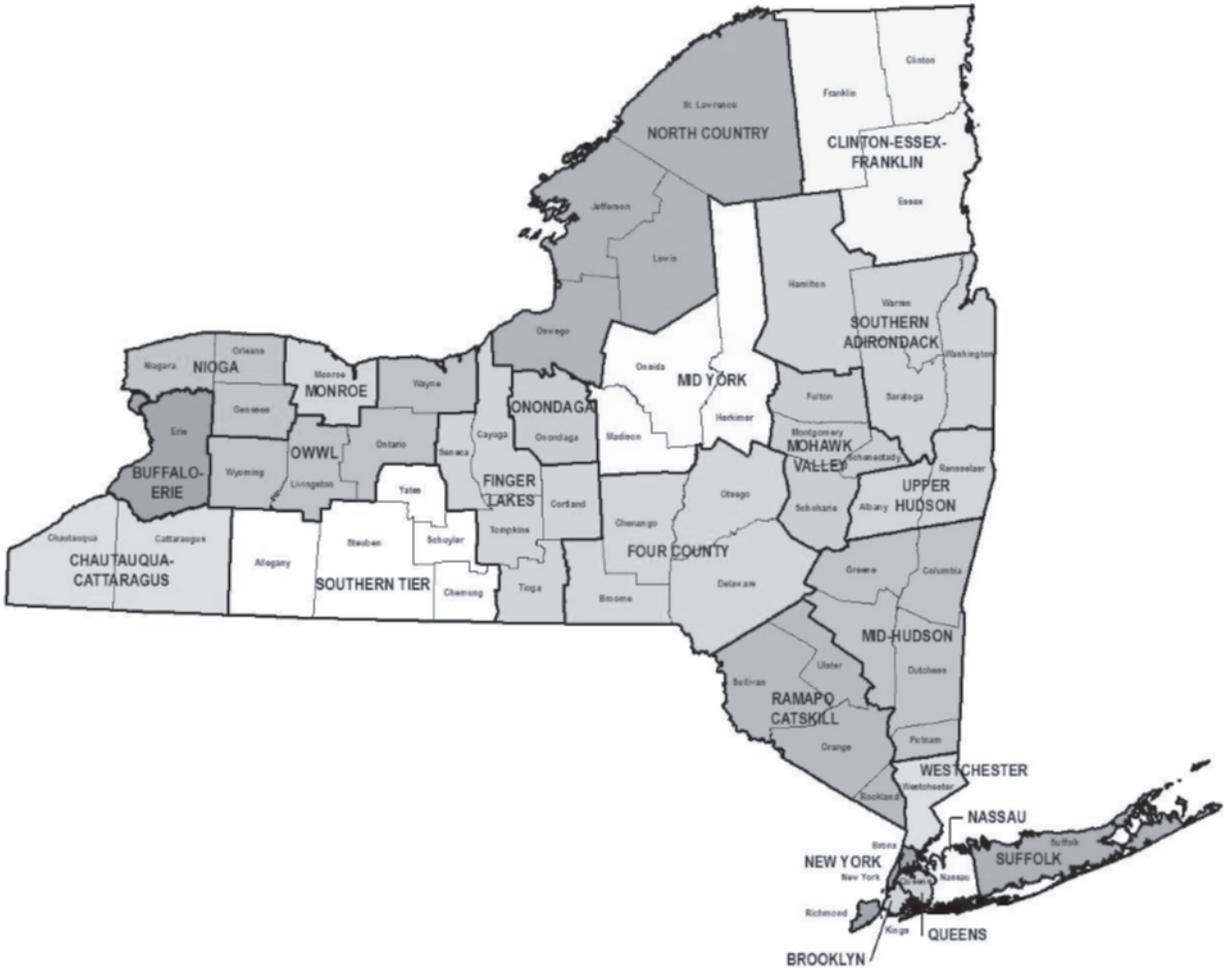
Union Catalog / County Catalog: Public library systems are mandated by the state to provide a "locator file" of the book holdings of the public libraries in their service area.

United for Libraries: A division of the American Library Association that provides support and networking for Library Trustees, Advocates, Friends and Foundations.

Unserved Area: Refers to regions of the state without a chartered and registered public library.

USA PATRIOT ACT / USA FREEDOM ACT: Federal legislation that, among many other provisions, governs access to library records in certain circumstances by law enforcement agencies.

Map of Public Library Systems in New York State



See also: <https://www.nysl.nysed.gov/libdev/libs/brochurp.htm>

